

THE  
PETITION  
AND  
ARGUMENT  
OF  
Mr. Hotham,

Fellow of *Peter-House* in  
*Cambridge*, before the Com-  
mittee for Reformation of the  
Universities, *April 10. 1651.*

Against the Masters Negative  
Voice of that Colledge, and for  
a remedy to be granted the Col-  
ledge against the usurpations of  
Doctor *Seaman* the present Master,  
agreeable to what was granted by  
Parliament to the City of *London*,  
*An.Dom. 1648.* for the better ena-  
bling them, in case of need, to act  
as a free Body, without their chief  
Officers concurrence.

Printed in the Year, 1651.

NOTES

1905. 12. 1. 1





To the Honourable, the  
Committee for Reformation  
of the Universities.

Right Worthy Senators,

**T**Hough by reason of a subru-  
stick pudor and love of ease  
(the two Cardinal vices of  
my Constitution) I have been  
always averse from action,  
never but by strong enforcement of duty  
appearing in publike view. And though  
I was never so well pleased with ought I  
could ever yet say or do, as to think it  
worth a rehearsal, much less of publicati-  
on, especially in these Pamphletting times,  
wherein the glut of Books hath rendred  
all mens Palats nauseous of what is not  
in its kind excellent and extraordinary:  
Yet have I been lately by a strong desire of  
removing those pressures our Colledge  
bath long groaned under, roused up out  
of my dearling rest, and native shamesfast-  
ness, to appear a Petitioner before you in  
some causes of our common concern-  
ment;

ment; in all which, though wearied with the discouragement of continual frustrations (which put both all those engaged with me, and others that would have otherwise appeared, into a resolution of no more addresses) yet could not I sit still as despairing, till I had made this one essay more, and deliverd my self of this last parturience.

This masculine birth was no sooner exposed to the light in your presence, but it was as you may well remember, by Doctor Seaman, whose prerogative it was born to oppose, endeavoured to be stifled with a deluge of vulgar slanders, viz. Malignity to his person, ambitious desire of private promotion, enmity to the establishd Laws and Government of the University, from all which the Petition was I think before your selves sufficiently asserted; but those light aspersions being easlyer born away on the wings of common Fame, then that weight of reason I laid before you for its vindication, I held it convenient to send after them this particular memorial of that days proceedings, that so his Calumnies, and this Narrative being both heard speak together, the University, which I know never yet esteemed me an enemy to its Government

vernment, may be the better enabled to give a true judgement.

But above all, being convinced by some present at that debate, that what I then delivered before you, if published, might possibly prove both a serviceable light and incentive to some generous spirits, to the contribution of their endeavors to that good reformation by you resolv'd upon, I could not, (being a most devoted servant to that publique end) but give way to their Counsels, though putting my slow Pen to the great pittance of extorting from my weak memory, and transcribing into a form fit for the Press, that rude draught of materials I had prepared for this work, together with an intersertion here and there of some few pertinencies in that tumultuary dispute, either omitted or forgotten.

I must confess I expected, that having the state of the Controversie, and great need then was of determining it, so clearly laid open before you, 1. In Doctor Seamans great unwillingness so much as to answer whether he laid claim to a negative voice. 2. In his open discovery, when more pressly urged to it, of his avowance and claim to it. 3. In a full and satisfactory answer to all those Pleas

he could produce in justification of this claim; That a Declaration of your senses against his negative voice, with some certain provision against the use of it for the future, would have been the narrowest result of that dayes consultation.

And I further hoped that some Gentlemen of worth would so far have espoused a Commonwealth quarrel, as that, if the abolition of the Masters supremacy in calling of meetings, and proposing of questions at his own pleasure were not in the Committees power, the matter being of a high and publique concernment, should have been speedily reported to the house to provide a remedy.

But I will not make any foolish expectation of mine, a rule whereby to judge of the resolutions of wiser men.

That Order you were pleased to make that day, of having a view taken of the Statutes of the whole University, and every particular Colledge, was a noble and a generous Resolve; and to suffer your selves, from the representation of a particular places grievances to be awakened into a positive activity towards an universal reformation, was a thing becoming men of enlarged spirits, and that Archipoimonal power you are entrusted

entrusted with. And in that subsequent Order of those Gentlemen of the Subcommittee, Dated April 25. I cannot but with all due reverence applaud their wise admittance of an intermixture of the experience of men best knowing in Colledge affairs with their own particular wisdoms in this Reformation: you gaining by this means a threefold advantage.

First, The due praise of your Honorable Condescent in not asserting us to our lost freedoms by an absolute power, till there first appear in our selves a dislike of our former Metamorphosis, and willingness to be restored.

Secondly, A true knowledge of the condition and temper of the University in the Genius of its particular Members, and how it stands affected to the principles of freedom.

And thirdly, Many considerable discoveries, which your selves out of the bare Theory could never have made, of great subserviency to the clearing of your understandings, not only in this point of freedom, but in all the other parts of your intended Reformation.

Yet give me leave in my rough Northern Dialect to present before you some

grand obstructions, which as to our Colledge (for I desire not to intermeddle further) may possibly hinder such due concurrence as might justly be expected.

The first is the Master of the Colledges residing at London, who though at that distance from his Charge, he ought to be lookt at as a non-significant Cypher, yet hath he thereby opportunity, by his great interest and acquaintance with many of your Members, to cast the prejudices of a private and partial information against whatsoever we shall present, especially if intrenching upon his prerogative.

Secondly, Though himself should see still and say nothing, yet his known Agent, that grave Seignior, who stands alwaies at your elbow, and hath been permitted more then once to intermeddle in our Colledge affairs, even in the time of your private debates, when we of the Colledge, who are most concerned, were commanded to withdraw, and who, by the knowledge of your minds he thereupon pretends to, hath sometimes attempted to deprave your Orders from your sense, recorded by your publike Officer. This man still continuing in trust and respect with you, and I believe oft intruding  
his

his alloy into the penning of your Orders, cannot but administer us great ground of jealousy, that our best endeavours are in danger to prove abortive.

I speak not this without good ground; for when we had once at the beginning of these troubles a Petition to present to you; a prudent man of our Society, whose judgement we knew concurred with us, did refuse to appear above board upon this very ground; Our Petition he said was very just, and agreeable both to Reason, and the Colledge Statute, but the Tribe of Adoniram would be too strong for us.

A Gentleman being once to travel into France, took with him a raw Country-fellow to wait upon him; the Gentleman being arrived at Paris, and some dayes after, going to see the Court, his man was very inquisitive of him to know which was the King: but being shewn him, would not believe it was he, and gave this for his reason, That sure the French were not such fools, when they had among them as he knew well, a grave, able, and learned Councillour to make choyce of ( he meant a tall grim Switzer, with a great head, and a long beard, which he had observed waiting at

A 5 the

the Kings Gate ) to reject this wise man, and make choice of a young youth of not thirty year old to be their King.

All the Application I made of it, is but this one sober aviso, that you beware of too much depretiating your selves, and your Authority; . The being but thought to Philippise, was once a great dishonour to the famous Oracle.

This reverend Switzer is I assure you lookt at as a great man, is adored by many, and few I think appear before you but sacrifice to him, at lest ne noceat, and the old Proverb of our Chronicle begins to be again remembred;

He that will England win ,  
With Scotland must first begin.

I know not whether this plain language may displease some; but I hope some indulgence will be granted to a poor Northern man, who hath not yet learned to speak smooth English: And besides, it is more agreeable both to the rules of honesty and your interest, that these things should be declared to you, then whispered of you. But I forget my self.

That this mans finger ( though your selves I am confident are not aware of it )  
hath



hath not been wanting to the penning of this Order, I do a little suspect. Because first, Only those members of Colledges entrusted with the Government for the time being ( which I think in most Colledges are only the Master & two Deans, and a Lecturer or two ) are here called in to give their advice. Secondly, That masculine expression in your first Resolve of reducing the Statutes to such a state as may render them most conducing to the advancement of the interest of a Commonwealth, being in this latter Order left out, and instead thereof, they only commanded to consider what Statutes, &c. are prejudicial to the present Government: whereupon most men declining your intended sense (of which your first Resolve is the best *Expositor*) will probably confine their understandings solely to the Consideration of the Oaths of Allegiance and Supremacy, or something of that nature, as fit to be abolished.

Thirdly, In our Colledge, though the Master and Deans, with the Lecturer (and Bursar in some cases, ) are solely intrusted with the executive part of the governing power, yet is every member of the society by our Statute, equally intrusted with the Legislative.

Now

Now there are lately five Fellows put in by Order of this Committee, who though none of them have yet attained the degree of Master of Arts, and so are not yet men in an University account, yet must they (being by your special Orders made compleat Fellows a year before their time) though utterly ignorant of our Statutes, unexperienced in Colledge affairs, and besides, all but one of them, by their several relations to the Master, most devoted to his interest, have equal Votes in this grand Transaction with us of ancientest standing and experience, which must needs produce vast obstructions, and perhaps returns of contradictory opinions before your Tribunal. And these young lads opinions, being in the most material points, sure to have the Masters, either private or publick abettance, according to whose private instructions they will assuredly act, 'tis not uneasy to judge by former successes what is like to be the event in this.

Fourthly, It being unlikely that you will finde in other Colledges, a number considerable to the major part to declare for any considerable mutation, where no oppressive miscarriage of their chief Officer hath awakened them into a distaste of their

their present absolute Monarchy ; its improbable our Colledge tying under such discouragements will adventure to be singular.

Fifthly, That which is likely to prove the main obstruction of all, is mens jealousies of those hazards they may incur by a fruitless Declaration of their senses in points tending to the advancement of a Commonwealth interest, your selves having not yet declared your own senses in favour of the cause of Liberty, which makes some fear, that their profession of some free principles may ( though undoubtedly far from your honorable intentions ) prove in the event, but an assembling themselves, though honest men, to the fate of Baals Priests, I mean the rage of that Samaritan, whose corrupt interest they oppose.

But if your selves, upon whose countenances all men will look as the magnetick Pole-stars of their motion, would but shew your selves so far propitious to the cause of Liberty, as to pass but by way of earnest ; a previous Declaration of your senses against the prerogative of Peters Chair, whose root lies already bare and disfastened by reasons , axes and mattocks, and wants but one stroke of  
your

your authority to lay it level with the ground; this would indeed give some encouragement to our fainting resolutions.

But if the redress of our grievance must be deferr'd till a perfect new model of all those Statutes have waded through that infinitude of almost insuperable obstructions it will meet with: I cannot but look at our Cause as neer desperate, or at least shall of poor Peter-house take up my Proverb, and say, Dum consulitur Romæ, capitur Saguntum; while help from our friends of the Roman Republick is delayed, our Liberties are left as a prey; and those that appear'd for it, as a scorn to the insulting enemy, who now having obtain'd his will in your ejection of one elected by the President and Fellows; of which you have an account annex't to the latter end of this Relation, and his own Sizer a Londoner put by you into that Fellowship, though design'd by our Founder for a Northren man; and having lastly got this desired advantage of having this great controversie left in statu quo, and drown'd in that unfathomable Ocean of the universal view, and Reformation of the great body of our Colledge and Universitie Statutes (like that

that souldier, who being told he must answer for some yards of cloth he had snatch't out of a Merchants-shop, at the day of Judgement, merrily retorted; that might he have so long a day given him, he would take the whole piece) puts the evil day as far off; and as I hear impotently boasts himself your onely Favorite, and the Society as a despised bandful, not otherwise look't at then as a heap of dead stones, except when it shall please himself to animate us into a Fa-brick.

This I can attribute to nothing so much as those his Punick Ambusca'ds where-with he hath hitherto prevail'd against our more apert Roman Militia; I mean those secret whisperings instill'd, I fear into their ears, whom he hath free access to, of his being the author of all their essences in Peter-house, who now lift up their heels against him, of a Faction, and I know not what plot, to make way for building up another mans promotion out of his ruins; which groundleß scandals, lying perhaps as a prepossession in many mens belief, cannot but prove a heavy obstruction in their way who have done, or shall further appear his adversaries.

But I hope you will in time consider  
how

how usual a stratagem it hath alwaies been of tyrants, to defile those that appeared for Reformation with such like slanders.

And when Truths Story comes to be told in to your other ear, which I hope is reserved empty for us the Fellows; these daughters of Falshood will hide their faces, and vanish into nothing. I could my self with a little more of your patience rectifie your judgements of those prejudices, were I sure there were need of it.

But I have detained you too long.

Be pleased to accept of these Remonstrances, which, lest the Publication might be misinterpreted an appeal to others; I crave the boldness to Dedicate in all humility to your selves, not doubting, but that that candid and favourable attention of yours, which honoured their first privater birth, will not deny its propitious influence upon this their more publike production.

And that you will every way approve your selves answerably to that honourable Stile you bear, The Committee for Reformation, is the confidence, And will alwaies be the Prayer of

Your meanest Servant,

Ch. Hotham.



To my most dear and ever ho-  
noured friends, the Fellows  
of *Peter-house in Cambridge,*

Gentlemen of our ancient Society,



When I cast my eye  
upon your experien-  
ced great worth, and  
the unparallel'd hap-  
piness I have long  
enjoyed in my con-  
verses with you, I  
cannot but wish my self able to erect  
some lasting monument, whereon to  
engrave my deep sense of both to per-  
petuity.

But my short power sinking so infi-  
nitely beneath my own desire, and  
your desert, I am enforced rather than  
be altogether unfruitful, to present you  
with this barren Essay of my endea-  
vours for our common freedom; which  
coming now to see the publike light,  
is (next to our general Protectors, to  
whose

whose Honourable inspection over us, we must needs say, we owe our preservation) devoted to your service and acceptance.

I know you will a little wonder at this opener appearance of this Petition and Argument, which I think you never looked I would have been so adventurous as to have suffered to see so much light as it did in your view before the Committee:

For, to appear against the interest of a man so generally befriended, by some upon point of ancient acquaintance, and opinion of his holiness; by others upon his high merit in the secession from his former Principles and party he was a head of, to an absolute compliance with the strongest sword, even to a preaching up the present powers Authority, out of the very same Texts and Principles which were formerly made use of by the Regal Parasites, to establish that blind obedience we all declared and fought against; for a meer servant of principles to contend against a server of times, such a good loyall subject, and perfect tool of State, that hath like the complying Knight of old, confest even

Boots



Boots and Spurs and all, and resolved all his former stiff principles into that one of a supple, servile obedience to the strongest sword, was, I know both you and all men else will say, a desperate attempt, and more smelling of juvenile heat, than a sedate wisdom.

I confess, if my love of Justice, and honourable esteem of our Judges integrity had not been much stronger than any humane hopes of success, I had never employed my endeavours upon so improbable an adventure.

But you know my profest principle hath alwaies been, that a true Christians motions should be guided by that one single internal principle of righteousness, that where duty calls to action, there our work is simply to contribute an endeavour, leaving successes to him that is Lord of all: That that man is not worthy the name of a Christian, nor fit to be an instrument of any remarkable good, that will not prodigally adventure the loss of his repute, as well as labour in miscarriages, for the possible accomplishment of a righteous end.

Whereupon some of you may possibly remember, that when we were  
upon

upon that first attempt of Petitioning the Committee against the Masters man, being made Fellow of our Colledge, and the intrusion of young Lads into the Colledge-government, though I both owned and cordially joyned with you in those (I think) just requests, yet I always said we were thus far comparatively unjust, in that we unbecomingly spent our pains in hewing at a few excrementitious branches, and did not rather lay the **Ax** to the root of the tree, *viz.* the Master himself, and his usurped prerogative, who by denying us our right of elections, had been the true original of all those mischiefs.

For as for those youngsters, they having no trust upon them to the contrary, if they did a little over-eagerly seek their own promotion, it was but a private error, a sin of their age, rather then judgement.

But for Doctor *Seaman*, a Patriarchial pretender to Religion, and entrusted with the Patronage of the Colledge rights, to berray them and us to his own corrupt design of new modelling the Colledge, and moulding up a party devoted to his own ends,

ends, was in him an unpardonable transgression, and in us especially, who had appeared against lesser offenders, not altogether excusable to suffer it without endeavouring a remedy.

*Dat veniam Corvis, vexat censura  
Columbas.*

But you perhaps not thinking fit to engage against an interest apparently too strong for us, or desisting upon other reasons best known to your wisdoms, I thought fit however to acquit my self from the blame of my own conscience by my single engagement against that destructive prerogative, which I was the rather willing to do upon my own single adventure, because if I prevailed, the Community would be a gainer ; if not, the loss of labour, and the disrepute was only my own.

Besides, I was sure you were all thoroughly perswaded of my souls candor in the attempt, and that none of those by respects our Malignant and ungodly Master charged me with, but onely the publike good was my sole and sincere aim, both in this and other transactions,

transactions, wherein I have appeared cross to his designs. And so whatever error I might commit in the management of this affair, I promised my self from you, whose censure I only valued, an easie pardon:

Yet in all this prosecution of our cause of liberty, you see I have hitherto acted with such tenderness to him I opposed, as to aim onely at the removal of his hurtful prerogative, not his person: but seeing he hath to his former miscarriages added this Capital transgression, of seeking to cast a public disgrace upon the President and whole Society, whose honor and immunities he was bound to defend, I hope it will not be thought injustice if that personal charge against him (which if produced before, would have come in onely as a needless supernumerary motive to the enforcement of my Petition) being reserved as yet intire, be in its due time, when some formalities yet wanting shall be ready, produced against him to his amotion.

And if it should ever be our good hap to discharge our selves of so unnecessary a burthen, I see for my own part no reason why the Kingly Office  
in

in *Peter-House* may not well be abolished, and he who shall as President be elected yearly to supply the place, content himself for his pains with the stipend allowed by the Founder, and so the State become exonerated of the charge of that augmentation.

Nor do I see why we should distrust that Government in our Corporation, of which all the Corporations throughout the whole Nation have such ample experience, especially we having found by a more then six years experience of our own, that all the good ends of Government have been attained with us by a President and Fellows in the Masters absence, much better then in his presence.

Yet I speak not this at all in relation to other Colledges, whose constitution may be different from ours, and who have perhaps found great benefit redounding to their Communities from their several Masters vigilancy and faithfulness to the common interest.

But I hope the Master of our Colledge will be so wise in his generation, as to cut off the Clue from these remote designs, by making use of that old Statute, *de promotis*, together with  
that

that present interest he hath in many Members of the Honorable Committee, to rid me first out of his way; a thing most of you know he hath oft threatned me with, but could never yet by such means get me to bate him one Ace of my open opposition to his designs, where my judgement engaged me to it.

I know moreover what obstruction he is able to lay in my way (without once being seen in it himself) whensoever I shall come to lay claim to my *Lancashire* inheritance; but it is my resolution, God willing, to go on as Justice shall call, straight forward, without looking aside, either to the right hand or to the left.

Nor shall the hazard either of my Fellowship, or five or six hundred pounds a year to boot, deter me from doing ought wherein I may advance a publike good, with respect to that worthy Society, to whom I shall, while I enjoy life, endeavour to approve my self

A most affectionate

and faithful Servant,

Ch. Hotham.

*Vicesimo Octavo Februar. 1648.*

**An Act of the Commons**  
 of *England* in Parliament assembled,  
 for removing Obstructions in  
 the proceedings of the Common-  
 Council of the City of *London*.

**T**he Commons of England in Par-  
 liament assembled, do enact and or-  
 dain, and be it enacted and ordained by  
 the Authority aforesaid, that in all  
 times to come, the Lord Mayor of the  
 said City of London, so often, and at  
 such time as any ten or more of the  
 Common-Council-men do by writing  
 under their hands, request or desire  
 him thereunto, shall summon, assemble,  
 and hold a Common-Council. And if  
 at any time, being so required or desi-  
 red, he shall fail therein, then the ten  
 persons, or more, making such request  
 or desire, shall have power, and are  
 hereby authorized by writing under  
 their hand to summon, or cause to be  
 summoned to the said Council, the  
 members belonging thereunto, in as  
 ample manner as the Lord Mayor him-  
 self usually hath done. And that the  
 members appearing upon the same  
 summons, being of the number of forty,  
 or more, shall become a Common-  
 Council. And that each Officer, whose  
 duty it shall be to warn in, and summon  
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the members of the said Council, shall perform the same from time to time, upon the Warrant or Command of ten persons or more so authorized as aforesaid. And it is further enacted and ordained by Authority aforesaid, that in every Common-Council hereafter to be assembled, the Lord Mayor of the said City for the time being, or in his absence such Locum tenens as he shall appoint, and in default thereof, the eldest Alderman present, if any be, and for want of such Alderman, or in case of his neglect, or refusal therein, then any other person, member of the said Council, whom the Commons present in the said Council shall chuse, shall be from time to time President or Chairman of the said Council, and shall cause and suffer all things offered to, or proposed in the said Council, to be fairly and orderly debated, put to the Question, Voted and determined in and by the same Council, as the major part of the members present in the said Council shall desire, or think fit: and in every Vote which shall pass, and in the other proceedings of the said Council, neither the Lord Mayor nor Aldermen, joynt or seperate, shall have any negative or distinct Voyce or Vote, otherwise then with and among, and as part of the rest of the members of the said Council; and in the same manner as the other members have: And that the absence and withdrawing of the Lord Mayor or Aldermen from the said Council, shall not stop or prejudice the proceedings of



of the said Councel. And that every Common-Councel which shall be held in the City of London shall sit and continue so long as the maior part of the Councel shall think fit, and shall not be dissolved or adjourned, but by, and according to the order or consent of the maior part of the same Councel. And that all the Votes and Acts of the said common-Councel, which was held 13. Januarii last, after the departure of the Lord Mayor from the same Councel. And also all Votes and Acts of every Common-Councel hereafter to be held, shall be from time to time duly Registered as the Votes and Acts of the said Councel have used to be done in time past. And be it further enacted and ordained by the authority aforesaid, that every Officer which shall sit in the said Councel, shall be from time to time chosen by the said Councel, and shall have such reasonable allowance or salary for his pains and service therein, as the Councel shall think fit. And that every such Officer shall attend the said Common-Councel : And that all Acts and Records, and Register-Books belonging to the said City, shall be extant to be perused and searched into by every Citizen of the said City, in the presence of the Officer who shall have the charge of keeping thereof, who is hereby required to attend for the same purpose.

*Hen. Scobel Cler. Parliament.*

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TO

The Honourable,  
the Committee for  
Reformation of the  
*Universities.*

The Humble Petition of  
*Charles Hotham, Fellow of  
Peter-House in Cambridge.*

Sheweth,

**T**hat whereas in all Societies  
of men incorporate, great  
evils do usually arise from the  
too exorbitant power of their  
chief Officer, not annually elected to his  
Trust; the sad experience whereof our  
Colledge hath of late felt, the Master  
assuming to himself, or his President (if  
present) the sole power of Convocating  
and dissolving of publike Meetings, and  
proposing of Questions at his own  
pleasure; and sometimes refusing to act  
according to the determination of the  
major part; and all this onely for want  
of our Founders sufficiently expressing his

minde in a Statute of our Colledge; wherein he Wills, that the Master should in the Arduous affairs of the Colledge, consult with the Fellows in Common, and stand to the determination of the major and sounder part, but hath through the uncertainty of the last expression, left a gap open to the exercise of an Arbitrary power; and besides, constituted no penalty to the Master at any times, upon sinister ends, refusing to do his duty in that kinde, nor provides the Colledge of any way for calling of Meetings, or making of Acts in form valid, without his, or his Presidents concurrence.

And seeing the Parliament hath always adjudged this unlimited power in the supream Officer of the Nation, of a dangerous and destructive nature to the weal publike, and hath further proceeded so far, as to restrain the same in the City of London, where yet the danger is not so great, as in our smaller Corporation, their chief Officer being annually changeable, and new elected to his Trust: but ours, one and the same during the whole term of his life.

May it therefore please this Honorable Committee, for prevention of future mischiefs, and for Cauti-

on that this root of Corruption left  
 in one of the ancientest Fountains  
 of youths education do not spread  
 out its pernicious branches to  
 gangrene the whole Nation. To  
 Ordain, That from henceforth the  
 Master shall not assume to himself,  
 or his President, such an exorbitant  
 power, but that he or his Presi-  
 dent, or the Senior Fellow of those  
 present at home, shall at any time,  
 upon the desire of two of the seven  
 Senior Fellows, left with him in  
 writing under their bands, call a  
 meeting at some seasonable time,  
 within forty eight hours after their  
 desire so signified; and shall at  
 that, and all other meetings propose  
 to the Society such questions as the  
 major part shall think fit, and not  
 dissolve any meeting without con-  
 sent of the major part: And lastly,  
 shall not assume to himself any  
 Negative or distinct voice, other-  
 wise then as one member of the  
 Assembly, and in the same manner  
 as other members have, but shall  
 according to the duty of his place  
 duty and without delay put in ex-  
 ecution the determination of the

said major part, and all this to be establisht under a sufficient penalty; the want of which is the greatest encouragement to mortal men to offend: And that in case the Master or his President, or Senior Fellow then present, shall refuse upon such desire of two of the Seniors, as abovesaid, to call a meeting, then they themselves to be authorized to call a meeting; and such of the Fellows as shall meet upon their summons, if there be above seven then at home, to be impowred to chuse a President for that time, and to be a Colledge Assembly to all intents and purposes; And what shall pass in such Assembly so Convocated by the Senior Fellow of those present at home, or the two Seniors abovesaid, to be reputed an Act of the Colledge, as valid; as if the same meeting had been Convocated by the Master or his President: And because great inconvenience may oft ensue by the Master and his President, being both absent together, our Statutes having in such case provided the Colledge of no Governor

nor

nor in chief. Your Petitioner doth further pray, that it may be ordained,

That in case the Master and his President, shall be both absent, that then the Senior Fellow of those present at home, may, till the Masters, or his Presidents return, be impowred as President, to all intents and purposes, as if he were by the Master nominated, and appointed to that Office.

And your Petitioner, with the whole Colledge, delivered from the oppressions and usurpations of an Arbitrary power, by the wisdom and Justice of this Honorable Committee,

Shall ever pray, &c.

THE

This Petition was first presented and read before the Committee, *March 27.* at which time Doctor *Seaman* urg'd that this controversy would concern the whole University, and therefore was unfit to be singled out alone, but rather should fall in with the consideration of the whole bulk of the Colledge and University Statutes now under consideration of the Committee of Visitors at *Cambridge*; but the Committee then looking at this as a dilatory subterfuge, accepted of the Petition, assign'd a day for taking it into further consideration, granting me summons for such of the Society as I desir'd for Witnesses in case of need. The Master having the like liberty to nominate whom he pleas'd, but pitch'd upon none. This was the Order.

*March 29. 1651.*

*At the Committee for Reformation  
of the Universities.*

**O**Rdered, that the Petition of Mr. *Charls Hotham*, Fellow of *Peterhouse* in the University of *Cambridge*, this day presented to this Committee, be taken into consideration on this day fortnight,



fortnight, and that Dr. Francius, Mr. Clerk, Mr. Brock, and Mr. Samms senior, Fellows of the said House, do in person attend this Committee, to inform this Committee of what they know concerning the matter of the said Petition; and that in the mean time the Master and Fellows of the said House have a Copy of the said Petition if they think fit.

James Chaloner.

On the day appointed, being April 10. being desirous to have the cause heard at as full a Committee as might be, I attended some time in the Hall with this following Petition for a revival of the business.

*To the Honorable Committee for  
Reformation of the Universities.*

*The Humble Petition of Charls Hotham,  
Fellow of Peter-House.*

*Sheweth,*

**T**Hat whereas your Petitioner on the 27. of March last past having represented to this Honourable Committee the great inconveniencies redounding to that Colledge, of which he

He is a member, from the too exorbitant power exercised by the Master of the said Colledge, for want of our Founders sufficient declaration of his mind in a Statute, wherein he willeth that the Master shall *in arduis Collegiis*, consult the Fellows in common, and stand to the judgement of the major and sounder part: For the more full and certain execution of which Statutes, your Petitioner did humbly pray, That such remedies as were in that Petition specified, might be ordained by the wisdom of this Honorable Committee.

Upon which desire of your Petitioner, it was then Ordered, that the said Petition should be taken into consideration on that day fortnight, and that Dr. *Francius*, Mr. *Clerk*, Mr. *Brock*, and Mr. *Sams*, Fellows of the said Colledge, should be required to attend here in person, to inform this Honorable Committee what should be thought requisite concerning the matter of the said Petition.

Now therefore your Petitioner doth humbly pray, that this being the day appointed for the said hearing (and the Fellows of the Colledge which

which were summon'd being here in person, ready to attend the pleasure of this Honorable Committee) that the said Petition may be again read, and your Petitioner may be heard to make good his Petition, by such proofs of reason, or witness, as the nature of the thing shall require; And your Petitioner, as in duty bound, shall in all humility await such sentence, as shall upon full hearing of all parties concerned be awarded by the Wisdom and Justice of this Honorable Committee.

*And shall ever pray, &c.*

But this short Petition prov'd useless; for my former large Petition was resum'd without any motion of mine, and much sooner then my expectation.

But after the first clause of the Petition was scarce read, Doctor *Seaman* interpos'd a motion, that the further reading of it might be suspended, till a private business, which he said was the true original of all these commotions, were first heard. So the Petition was at his motion laid aside, and the private business

business first brought upon the stage: the issue of which, falling out strangely to his content, the Committee was made believe this was the substance of the whole controversy; there needed now no farther hearing of the publick Petition.

Now as for that private business, seeing he hath christened it with the name of publick, I have at the latter end of this Narrative made it publick for his sake.

But nothing discourag'd with this unexpected event of that dispute, I went in again to the Committee, informed a noble Gentleman there present, I had a Petition there of great concernment, which I desired might be read, and my self heard speak to it. So at his motion the Petition was resumed.

After 'twas read, Dr. Seaman, I think, first spake something to it; but to what effect, I have utterly forgotten, and shall be glad to be remembered of it by himself.

When he had done speaking, I mov'd the Committee, that for laying a clear foundation, whereupon to ground the debate, he might be askt the question, Whether he laid claim to a negative voice, or not. His

His answer was, first, that he did not desire to answer to any question, till commanded to it by the Committee; but pausing a while, and perceiving by a general silence of all the members, that a more full answer was expected, He still subtilly declining an answer to the question, tells them we had many sorts of Colledge-meetings; that the Master was sometimes to consult with the Deans onely, sometimes with 5 or 6 of the Seniors; but in the arduous affairs of the Colledge, he was to consult with the Fellows in common, and to stand to the judgement of the major part. This now seem'd, at first view, a clear acknowledgement of his being bound up in the major part, in meetings of the whole Society present.

And any man not acquainted with his methods, would have thought the controversie had been at an end, and that the Doctor was scandall'd in my so much as intimating that he had laid claim to a negative voyce.

But as 'twill appear, he meant nothing less. For first, though he acknowledged himself bound *in arduis* to consult the Fellows in common, yet nothing appear'd, but that he still reserv'd

serv'd the judgement of that *arduity* as a prerogative within his own brest; so that the Society for meetings, though never so much needed, must depend upon his pleasure, which was one of the chief grievances, against which a remedy was petition'd for.

Secondly, notwithstanding his seeming acknowledgement of being tied by the major part; yet being further urg'd to declare whether he did not from that additional expression in our Statute of the sounder part, challenge to himself a decisive judgement which was the sounder part, so as that he might judge the lesser part the sounder, and be thereupon absolv'd from standing to the judgement of the major part; he could then keep himself in the darkness no longer, but produc't two Statutes for his negative voyce. The one, extending onely to the proof of his negative voyce over the two Deans, was an interpretation made a hundred and fifty years, or more, after the first compiling of our Statutes. In these words, "*Item si aliquid ex Statuto sit determinandum per Magistrum, & Decanos concernens eorum officia, si Magister Collegii, & unus Decanorum*"

" *ali*

" aliquid decreverint, stabit pro rato, &  
 " si duo Decani decreverint, & Magister  
 " Collegii non concesserit, pro nullo ha-  
 " beatur. Moreover if any thing be to be  
 determined according to Statute by the  
 Master and Deans by vertue of their  
 office: If the Master of the Colledge  
 and one of the Deans decree any  
 thing, it shall stand as valid: and if  
 the two Deans shall decree, and the  
 Master of the Colledge not Consent,  
 it shall be accounted null and void.

But this prov'd not at all a negative  
 voyce over the major part of the Fel-  
 lows assembled in a meeting.

The other (being the main pillar of his  
 cause) was the Univerſity Statute, which  
 he read to the Committe in these words.

" In omnibus & singulis electionibus  
 " tam Sociorum, Discipulorum, Schu-  
 " larium, Officiariorum, Lectorum, reli-  
 " quorumq; membrorum cujuscq; Collegii,  
 " quam in omnibus & singulis locationi-  
 " bus, & concessionibus quibuscunq;  
 " necessario requirendus est Magistri sive  
 " Præpositi illius Collegii assensus &  
 " consensus. Et quod bene licebit  
 " Magistris sive Præpositis Collegiorum,  
 " in suis Collegiis, si quando illis  
 " necessarium videbitur, omnes illas  
 " punas

*penas exercere in delinquentes, quas  
 aliquis Officiariorum illius Collegii per  
 Statuta ejusdē Collegii imponere possit.*

In all and every election, as well of  
 Fellows, Scholars, Officers, Lecturers,  
 and other Members of every Colledge,  
 an in all and every letting and conces-  
 sion whatsoever, the assent and consent  
 of the Master of the Colledge is neces-  
 sarily to be required: and that it shall  
 be lawful for the Masters or Provosts  
 in their severall Colledges to inflict up-  
 on offenders all those penalties which  
 any of the Officers of that Colledge  
 may impose by the Statutes of the same  
 Colledge.

These Statutes he said (but proved  
 it not) were confirm'd by A<sup>&</sup> of Par-  
 liament: To which 'twas answer'd,  
 That its true, the University Charters  
 were confirm'd by A<sup>&</sup> of Parliament,  
 but as I believ'd, not the Statutes; no  
 further confirmation that I know of ap-  
 pearing, more then by the same Com-  
 missioners, who reviewed our Col-  
 ledge-Statutes; which as far as I  
 knew, there was as good ground  
 to believe were confirmed by Parlia-  
 ment, as those of the University.

He further added, that that which I  
 charged



charged as a fault upon him, viz. the relying upon his own wisdom, I was chiefly guilty of it my self, in preferring a Petition of my own head, without first asking the advice and consent of the Fellows, who did not appear any way to own it: to all which allegations of his, my answer, directed to the Chairman of the Committee, was as follows.

SIR,

I acknowledge it may to this grave Assembly seem strange, and perhaps something smelling of presumption, that in a business wherein the good of the whole Colledge is pretended to, one man onely should appear to own it, and he neither the first nor second Senior of the Colledge, nor yet publicly employed by the Society for the making of such attempt: But I hope if the high consequence of the matter presented, and greatness of the person, or rather interest to be opposed, and how unwilling men of prudent and suffering spirits have alwates been to engage themselves in high contests, and how loth modest men are to ask that which they think may probably be denied them,

them, be well considered, this wonder will soon cease. And to take away the Imputation of presumption, I have onely this to say, that had I known of any man that would have taken upon him this task, I should most willingly, according to that man directions, either have sitten still, or seconded him in the meanest of services tending to the advancement of this cause. But I knew of none, & besides, had, above the rest of the Society, these special engagements obliging me to this endeavour.

I. First at the time of my presenting the Petition, I was one of the Deans of the Colledge, an Officer Intrusted by the Founder, not onely as an assistant to the Master in the Colledge-Government, but likewise as one of the *Epbori of Sparta*, a Supervisor and Censor of his actions in some cases, to admonish him, if need were, and in case of his obstinate standing out against admonitions, to complain of him to a Superior Justice.

Secondly, our Colledge-statute requires every member of the Colledge, even after his departure, (much more during his abode) that in way of a grateful acknowledgement of that much  
good

good he hath received there, he should endeavour the preservation of the Colledge-rights to the utmost of his power.

Now there having been one of my own name, and Family, the third, or fourth successour to the Bishop of *Ely* that founded the Colledge, a great Benefactor to it (though the particulars wherein, appear not ) and my self coming now in a more peculiar manner, and by a strange cast of providence, to partake of the good fruits of his bounty ; I held it a double obligation upon me to a performance of this clause of our Statute, by endeavouring somewhat which posterity might reap the benefit of ; which being at present not in a capacity to do, by gift of Lands, or any considerable sum of Money, all I had left within my power, was onely to appear here as the Colledges servant, in the vindication of our common-liberties, then which, ingenuous spirits know not a more precious treasure upon Earth.

Thirdly, 'Tis a thing well known to all I have ever conversed with, that I have ever since the first beginning of these civill wars, and that in the most hazardous times, when the generality  
even

even of the Parliaments party stood inclinable to a defection, been to my poor ability, and in my narrow sphere, a zealous assertor of the Nations liberty, against the prerogative of the supreme Officer of State, then in War against us: And therefore, if upon the same principle I now shew my self more then ordinarily forward in asserting the liberties of our particular Common-wealth, against a parallel tyranny; I hope my boldness will find the easier pardon.

This I have been necessitated to premise, in answer to those evill surmises which you hear have been rais'd, and objected, as of great consequence against the Title of the Petition, and more might be added; but seeing this Committee hath been so just and honourable, as waving all respect of persons, to take the matter it self into your grave considerations, I shall now wholly apply my self to the matter in hand.

The Petition is large, but may, *in summe*, be reduc't to these two heads.

First, a Preamble, consisting of a Concatenation of divers motives for enforcement of the Petition.

Secondly,

Secondly, The Prayer of the Petition  
it self.

The Motives are many, and of  
great weight.

You have in them,

First, a general Proposition of those  
great mischiefs which the common ex-  
perience of all Ages, Places, and Na-  
tions teaches us do arise from the  
chief Officer of any Corporations be-  
ing intrusted with a power distinct  
from, and superior to that of the com-  
munity. 'Tis both the true characteri-  
stical badge of slavery, and the chief  
fomentor of jealousies and contenti-  
ons: For wheresoever 'tis so, there's  
always a particular interest of the  
governing power set up distinct from,  
and most what contrary to that of the  
publike, then which nothing can be  
more destructive to the welfare of any  
Community: the truth of which  
Maxime we have had a feeling proof  
of in the sad series of those evils  
which have lately sprung up in this  
Nation from the claim and exercise of  
this power by the chief Officer of  
*Englands* great Corporation: 'Twas  
that which had like first to have  
plung'd us into the depth of slavery,  
and

and did afterwards engage us in a bloody war, the justice of which war can never be solidly maintained by the asserters of a Negative-Voyce. For my own part, this was to me the great convincing Argument of the Scots Apostasie from their first Principles, and from the cause they were with us engag'd in, when I saw them in their Manifesto plead so openly for the upholding of this great branch, or rather stock, and bulk it self of the royal Prerogative.

2. You have for confirmation of this truth the judgement of the whole Representative of *England*, and those that have most cordially appear'd with them in this cause, especially of the now governing power, which hath always declared this power in the King of a most dangerous and destructive nature to the weale publike, and inconsistent with the Nations freedom. And the Army in particular, when we were not yet attained to that wise and generous resolution of removing the Kingly Office as well as his Person, did in their grand Remonstrance propound it as a necessary caution for the securement of our Liberties,

Liberties, that whosoever should, upon the removal of the late King, be admitted, though but by election, to succeed him, should before his admission disavow all claim to a Negative voice.

3. You have presented to your view a more particular declaration of this present Parliaments judgement in this point, in reference to a particular Corporation: Those evils which the whole Nation had formerly groan'd under, there was a critical time when the City of *London* felt the same pangs of the same disease arising from the same fountain of corruption: the chief governour of that City exercising that power in his own Corporation, which himself with others had declar'd and fought against in the supream Officer of the Nation; whereupon this Parliament was pleas'd to remove that prerogative, and provide them this very way now petition'd for, of a string as a free Body in case of need, without the chief Officers concurrence.

4. The fourth motive humbly propounded to your consideration, is the great mischiefs which have redounded to our small Corporation, from the exercise

ercise of this arbitrary power by our chief Officer : But of this theme, because 'tis very large, and will need much interlacing of proofs and examination of Witnesſes, I ſhall treat, if need be, in the laſt place.

5. The fifth, and that the moſt generally convincing motive of all, is from our local Statute which I read to you, when I was here laſt before this Committee, which runs in theſe words.

*Quia quod à pluribus quaeritur, facilius invenitur, & consulendo dicit Sapiens, Omnia cum consilio fac, & minime paenitebit : statuimus injungendo, ne cum ardua domus emerſerint negotia, Magister capitose ſue prudentie imitatur, ſed omnes Scholares convocet, & emerſa negotia exponat eiſdem, & ſuper illis quaerat conſilium ſingulorum, nedam ſeniorum, ſed juvenum, cum donet juniori Deus aliquoties quod non ſeniori : ſed ſi in unam conveniant ſententiam, bene quidem ſi autem, numero ſtetur majori, etiam & ſaniori.* Because that which is ſought of more is eaſilier found; and the wiſe man adviſes us, ſaying, *Edo all things with Council, and it ſhall*



'shall not repent thee.] We therefore  
 'ordain & enjoyn, that upon the emer-  
 'ging arduous affairs of the Colledge,  
 'the Master do not headily rely upon  
 'his own prudence, but that he con-  
 'vocate together all the Fellows, and  
 'lay open before them the emergent  
 'businesses, and ask the advice of eve-  
 'ry one concerning them, and this  
 'not of the Seniors only, but Juniors  
 'too; seeing God does sometime give  
 'that to a Junior, which he gives not to  
 'Senior. And if they agree all in one  
 'opinion, 'tis well, but if other-  
 'wise, let them stand to the deter-  
 'mination of the greater and sounder  
 'part.

Here you see our Lawgiver expressly  
 declares his will, that the Master shall  
 not prefer his private wisdom before the  
 wisdom of the whole, or major part of  
 the Society: and brands such proceed-  
 ings of his with an imputation of headi-  
 ness and rashness: Only supposing the  
 conscience of that Oath which the Ma-  
 ster was to take at his admission would  
 be a sufficient tie to a strict perfor-  
 mance of his will, thought it needless  
 to establish his Law by any penalty, or  
 to point us out a way of acting without

him, which is the defect we now desire a supply of.

In those times, when a plain, honest, and conscientious simplicity bore sway in mens hearts, and wickedness was not so ingenious as it hath since proved in our times, a few rules sufficed to preserve righteousness and peace amongst men: The Laws were then (as the Mosaical Law) like those wide-window'd Nets our National Statutes prescribe for hindering the destruction of the young fry of fish: but afterwards the corruption of mans nature spinning out it self to such a subtilty as to find easie Evasion through those spacious grates, 'twas found necessary in every Age to make an intertexture of new threds, and cross bars for the intangling of those subtiller Offenders: Now therefore this which is propounded unto you being of this nature, not purely a new Law, but only a new way laid down (agreeable to what the wisdom of Parliament had prescrib'd in a parallel case) for the more sure and effectual execution of the old established Law of our Foun-der, ought in reason to find the easier admittance.

Only

Only there is one Objection or two of some weight which I must crave the patience of this honourable Assembly, to give me leave to discuss, for the fuller clearing of all doubts, which may perplex the question.

The first is, that our Founder, where he saith the Master must *numero stare majori*, adds [*etiam & saniori*,] whence some may perhaps infer, that 'tis left to the Master to judge which is the sounder part, and so if he relinquish the major part, - and follow their advice whom he judgeth the sounder part, he transgresseth not. But that this was an exposition far from our Lawgivers intention, I shall demonstrate by these Reasons.

First, It's apparent the Founder intended this Statute mainly as a provision against the Masters self-wisdom, upon which he sayes, he shall not rely. Now therefore if the Master refuse the major, and adhere to the minor part, only because in his judgement the sounder, he does in effect rely upon his own prudence, which is the thing our Founder forbids.

Secondly, If the judgement of the sounder part be left to the Master,

the word *majori* may as oft as he pleases be made a meer non-significant Cipher. If the Master propound a business to the whole number of Fellows, which is fourteen, and can get but two or three (then which nothing is more easie) to side with him, he may call those few men the only sound men of the Society, all the other eleven or twelve shall be esteemed as factious or frantick, because of their advice not sulting with his ends ; and so that obscure word [*seniori*] shall, like one of Pharaohs lean Kine, swallow up the word *majori*, though fairer and better liking, into its insatiable stomach. So shall the Master, contrary to the Founders will, be made by his own estimate the *Solus sapiens*, and supream Lord. The Fellows, they are flattered with a specious shew of liberty and co-partnership in the Government, but are indeed like meer School-boys (such would the King have made the whole Parliament) called together to a posing, not voycing, in which they must either comply with the Masters will, or have their advice rejected with scorn, and themselves dismissed with infamy, as crack-brain'd and unsound men.

Therefore

Therefore this being an interpretation so full of contradiction and inconsistency both to the general current of this Statute, and particular contexture of the sentence it self, the word *saniori* cannot be so understood, but is either a meer word of formality, or to say the most, was added only as a *Proviso*, where 'twas impossible to determine which was the major part, as where the number of Fellows on both sides was equally divided, that there the Master might encline to that part which he should judge the sounder.

But that by the word *saniori* is not meant at all a reference to the Masters judgment, but that 'twas rather a meer word of form affected by the solemn gravity of those times, will appear several ways. As,

First, From our eighteenth Statute, where our Founder, treating of license to be given to two of our Fellows to travel, shuffles the Master and Fellows all into one pack, and says, that they (the Master & Fellows, or the major & sounder part of them,) shall have power to give this license. His words are these, *Nos principaliter hoc attento, dictis Magistro, & Scholaribus potesta-*

'tem & licentiam impartimur : quod  
 ' ipsi vel saltem major pars, & sanior  
 ' eorundem, si hoc Domui & Scholaribus  
 ' expedire viderint, unum vel duos Scho-  
 ' lares domus hoc petentes, si ad hoc suo  
 ' iudicio fuerint habiles licentiare va-  
 ' leant. We principally looking at this  
 ' end, give this power and liberty to the  
 ' said Master and Fellows, that they,  
 ' or at least the greater and sounder part  
 ' of them, if they shal see it expedient for  
 ' the good of the House and Society, may  
 ' give licence to such one or two of the  
 ' Fellows as shall desire it, if in their  
 ' judgement they shall see them able  
 ' and fit for it.

Here you see the Master is cleerly  
 leuell'd as one man with the rest of the  
 Society : The expreffion runs not, as  
 in some Statues, *Magister & maior ac*  
*sanior pars Scholarium*, but *maior &*  
*sanior pars Magistrum & Scholarium*, not  
 the Master and the greater and soun-  
 der part of the Fellows, but the greater  
 and sounder part of Master and Fel-  
 low sput together: so the Master being  
 here made a party in the Scrutiny, is in-  
 capable of being a Judge in the same: &  
 therefore in all probability the word *sa-*  
*niori* is, as I said, put in by the Founder  
 only

only as a word of course, a meer Synonima, an expression affected by the gravity of those times in which he lived.

And further, that this is no bare conjecture of mine, but rather a truth evidenced with us by experience of all times, the first of all the University Statutes entuled, *De modo Statuendi*, which I have here copied out of the Proctors Book, will make it very evident.

That *De modo Statuendi* runs thus :

‘ *Auctoritate totius Universitatis Cantabrigiensis tam Regentium quàm non Regentium, ordinatum est, quòd in Statuendis rebus & negotiis utilitatem communem dictæ Universitatis concernentibus solum illud pro Statuto habeatur, quod de consensu majoris & sanioris partis dictorem Regentium, & de consensu non Regentium fuerit decretum per Statutum.*

That *de modo Statuendi Auctoritate*, of the manner of making Statutes, runs thus :

‘ By the Authority of the whole University, as well Regents as Non-Regents, ’tis ordain’d, That in the decreeing and determining of businesses concerning the common profit

' of the said University, that only shall  
 ' be reputed a Statute which is decreed  
 ' by Statute, with consent of the greater  
 ' and sounder part of the said Re-  
 ' gents, and with consent of the non-  
 ' Regents.

And I have here ready to produce,  
 if need be, a sufficient number of presi-  
 dents shewing the observation of this  
 Statute in several sanctions from time  
 to time, all which bear the stile of the  
 major and sounder part of Regents and  
 Non-Regents: yet the constant tenour  
 of our University proceedings wit-  
 nesses that the major and sounder part  
 were never look'd at as two distinct  
 notions, and left to the Vicechancellors  
 or Professors discretion to determine of;  
 but that the major part was always  
 (and as I can prove by another Statute  
 ought to be) adjudged the sounder, and  
 whatsoever was decreed by the major  
 number of voices, past always for an  
 act of the University without excepti-  
 on. And for the truth of this assertion, I  
 appeal not only to those of our Society,  
 men of great standing, here present, but  
 to all that ever have long resided as  
 Masters of Art in the University: yea,  
 and to Doctor Seaman himself, if he has  
 seen



seen so many Congregations as to make him a competent witness in this matter.

So the advantage of that expression for the assumption of a negative voyce being now I hope clearly remov'd, I shall proceed to the last objection wrg'd, and chiefly relyed upon by the Master, which is, that the Univerſity Statute allows all Maſters of Colledges a negative voice.

The Statute for your memories ſake I ſhall again rehearſe.

*In omnibus & ſingulis electionibus tam Sociorum, Diſcipulorum, Scholarium, Officiariorum, Lectorum, reliquorumq; membrorum cujuſque Collegii, quàm in omnibus & ſingulis locationibus, & conſeſſionibus quibuſcunq; neceſſariò requirendus eſt Maſtri ſive Præpoſiti illius Collegii aſſenſus & conſenſus.* In all and every Election, as well of Fellows, Scholars, Officers, Lectures, and other Members of every Colledge, as in all and every letting and conſeſſion whatſoever, the aſſent and conſent of the Maſter of the Colledge is neceſſarily to be requir'd.

This is as much of the Statute as concerns

concerns the question, in hand.

This Statute will, I know, to all that read it at first sight seem an Argument invincible.

But I shall notwithstanding crave leave to say somewhat in answer to it, not doubting but before I have done I shall make it appear as contemptible, as now it seems formidable. As,

1. First, That every Colledge being a distinct Corporation by it self, and Laws prescribed for its Government by him that founded or endowed it, it may well be questioned whether those Laws of any of them can be taken away or superseded by any general Statute of the University: And this I do the rather question, because the University hath in former Statutes shown it self very tender of the infringement of the particular Statutes or Customs of private Colledges; as appears by the last clause of a Statute *de expulsis in aliud Collegium non recipiendis*, Of expell'd men not to be receiv'd into another Colledge; which Statute though in it self most rational, and fit to have a binding power over all, yet did not the University think fit to pass it without this additional

additional *Salvo*, ' *Neg, intendimus*  
 ' *per præsens Statutum, Statutis, Con-*  
 ' *stitutionibus, Compositionibus cæterisq;*  
 ' *Collegiorum, in aliquo derogare:* Nor is  
 ' it our meaning by this present Statute  
 ' do derogate ought from the Statutes,  
 ' Constitutions, and other Compositi-  
 ' ons of particular Colledges.

Besides, it hath formerly been the declared Opinion of some of the wisest of our University, that the Vicechancellor, who is our chief Officer in the Government of the University, cannot exercise his Jurisdiction within the walls of a private Colledge.

Now it seems irrational to think that the University Statutes should claim a Power paramount to the local Statutes of those places, where yet the chief Officer entrusted with the execution of those Laws that lay claim to this supremacy, can finde no entrance.

2. Our Colledge Statute is of a far ancients standing then this University Statute; and therefore though this of the University seems to thwart it, yet being made without any clause of a *non obstante*, the Colledge Statute lies unrepealed, and therefore in full

full force, especially our Colledge Statutes being revised and confirmed at the same time with the University Statutes, and by the same Visitors, as I shall, if it be thought needful, make it appear.

3. This Statute is none of our ancient Statutes of the University, but one of very late standing, no ancienter then the tenth year of *Queen Elizabeths* Reign, for in all our Statutes till that time (as I am well able to say, having lately searched the Proctors book to that purpose) there appears no footstep of it; nay not in the first new model of our Statutes, which was made *primo Elizabethæ*. For our Reformers being then but newly come out of the furnace of the Marian persecution, were not yet mounted to that height of ambition: but about ten years after growing warmer and fatter in their great preferments, the Heads of Colledges did its likely upon plea, that our University-statutes were not enough refin'd from Popery, and that new Diseases stood in need of new Remedies, got a revivall of the commission granted formerly *Primo Elizabethæ* for another new modelling of them, in which, though

though for pomps sake the Commis-  
 sioners appointed for that work were  
 some of them, as *Cecil, Cook, and Haddon*,  
 of the Queens privy Council; yet the  
 rest of them being Doctors of Law,  
 Physick, and Divinity, and two of them  
 Divinity Professors of the University,  
 no man that is not blind, and knows  
 not how little leisure those greater  
 Statefment had to labyrinth their  
 brains with all the tedious *anfractus* of  
 that Theority, but will say that the  
 main Engines, and the very both first  
 and second movers in this last new  
 Model, were the Heads of Colledges  
 alone; and they having now gotten  
 this ample power into their own hands,  
 did, together with the publick Refor-  
 mation, cunningly interweave their  
 own private advancement; and in pur-  
 purging us of Popery, did, like those  
*medicamenta maledicta*, emunge the bo-  
 dy of the University of some of their  
 most essential and fundamental privi-  
 ledges.

As for example,

The choice of a Vice-Chancellor,  
 which was before in the whole body of  
 Regents, they got in this Reformation  
 a Monopoly of it to themselves, so as  
 the

the body of the University hath only left them a bare superficies of election, but the substance they got into their own hands ; for by this new Reformation, they got themselves the nomination of two, one of which the University is necessitated to elect, and if they doubted of him, whom they desired to have elected, 'twas but nominating some one distastful or condemned man for a stale, and then they were sure to carry it for such one of those two nominated, as they should think fittest.

2. Another great priviledge, whereof they deprived the Body of the University, was the interpretation of Statutes, which before, except in a few cases, was as well as the making of Statutes in the body of the University ; but in this new Modell, the heads got a Monopoly of it intirely to themselves.

And if I mistake not that strange Statute of the *Caput Senatus*, consisting of the Vice-Chancellour, and five others chosen by the heads of Colleges, and the two Scrutators out of fifteen persons nominated by the Vice-Chancellor, and Proctors, and all this choise without the least advice  
or

or privity of either of the two Houses, and these five men entrusted, every one with more then a Negative voice (for nothing, be it never so just or necessary to the common good, or of particular persons, can be so much as propounded to the Houses, till every single man of these hath given his positive consent) is of the same date. If but one of these deny, though giving no reason, the concurring voices of the vice-Chancellor, and the other four are of no force, the motion is stifled in the very cradle, a thing of no rare pra-

ctise among us; \* Now this Statute, if considered in its full latitude, will I think, be found of no longer standing then that new model. Something there was of a like nature before, but if compared with this, will be

\* Hence comes it, that the University Officers cannot without great difficulty hinder an unworthy man of his degree: For that dunce or Rakebells friends

whom they desire to stop, shall oft procure some one of these absolute Seigniors to make use of his Negative in causelessly stopping all the Commencers of that whole year, till his Dulman be suffered to pass out among them.

found

found vastly different: For that had for its object onely *tempus & forma*, but this, Concessions of all natures: in that the negative was in three, here in any one.

And lastly, to fill up the measure of their iniquity, thy did likewise as much as in them lay, defraud those Societies, where the Founders had enricht them with that unvaluable treasure, of their precious liberties; and with their spoils, sacrific'd to their own ambition, made every Master of a Colledge an absolute Monarch, and the Societies their Vassals.

Thus miserably were the poor Fellows of Colledges deluded and oppressed; but to complain was no boot.

Thesemenspotency at Court was such, & such was the reverend esteem had of them there, that to have spoken ought in derogation of them, or their proceedings, would have been deemed blasphemy, but especially for one of no higher condition, then a Fellow of a Colledge to have appear'd in publick in his Russel-Coat against these grand filken Rabbies, had been to have expos'd himself only to laughter or ruine.

But



But the Court-prerogative, the root of all these oppressions being now dig'd up, these excrementitious branches will, I hope, be thought fit to be remov'd with it: besides nature teaches us, that each evil is best cured by its contrary: therefore it having been laid open clearly before you, how the Monarchs connivence at the fraud and corruption of its Representatives was the cause of this distemper'd mutation: We hope for cure from the vigilant sincerity of our true Republicall-Magistrates, by the annullment, if need be, of that Statute, and restauration of each Colledge to at least that ancient wholesome *Crafsis* of Liberty it was created in by its first Founder.

I speak not this to cast any the least prejudice upon that good work of Reformation in Religion, for which I cannot but say the Nation owes much thanks to the endeavours of all those Reverend divines, that were so happy instruments in it. But we see the experience of that proverbial sentence, *Nullum magnum ingenium sine mixtura insania*; the best of men are but men. This Whole World, and the heart of every man in it, is nought else but a  
 Champaigne,

Champaigne, where good and evil, light and darkness contend for victory; and so where God hath his Church, the Devill will erect his Chappel as a Fort to lay batterry against it. So in all Reformations the greatest instruments in it will alwayes (if they be not by themselves, or others narrowly look't to) carry on some design of their own private, an attendant at least, if not corrivall to that of the publick. Besides, we know how the people of God, who immediatly upon their deliverance from *Pharoah*, and the Red-Sea, did nothing, but in humility of heart, worship and sing praises to God their Deliverer, were observ'd afterwards upon a little prosperity to have forgotten God, to have waxen fat and kick'd. And of our Reformers, about that *Decade*, it may justly be questioned, Whether their zeal in preserving the Reformation begun, were more to be commended, or their ambition in obstructing its further progress and perfection to be condemned.

But above all I desire to be understood, not to intend any the least reflection of blame upon those reverend Gentlemen and Ministers, the present  
Heads

Heds of Colledges in our University, for as they had no hand in procuring of those incroachments; so neither that I know of, have they ever made ill use of that power which their Predecessors ambition had purchas'd to their hands: For though they have, by the last Statute I told you of, the full power of interpretation of Statutes within themselves, and there was a time, when they might have used it with applause, in that excellent interpretation of our University Oaths, whereby mens consciences, indanger'd to perjury upon every penal statute, were much eas'd, yet to my best remembrance, they did not assume to themselves, but yielded to the whole body of the University the honour of alleviating this grievance.

Nay, this I must needs say, to the honour of all those Heds of other Colledges, except our own, that I conceive 'tis nothing but their honest and prudent carriage in their several charges, which is the cause that none of the University (none having the like particular cause of complaint) appear as yet in this cause to desire those provisions against Tyranny, petition'd  
for

for in our Colledges For 'tis not evils in *posse*, though of the nearest probability, but those in *esse* that stir up the generality of men to the invention of remedies. In other Colledges where the Masters have by statute or custome a negative voyce, yet they have chosen rather to wave sometimes their own, not interest onely, but judgement too, then make use of it, and in the very propositions of questions to be swayed by the publick reason of their Societies.

And if our Head had behav'd himself with the like candor and moderation in his Trust, you had not I think been troubled with these tedious disputes at this day : but our Head, though, as you have heard, denied a negative voice by our Law-giver, will yet usurp it, propounding only what he pleases himself, and after the vote past, following his own, not the common prudence of the Society, as shall be amply proved (if need be) in its proper place. Besides, we having in the general course of this mans Government, observ'd nothing of a public Spirit, aiming at the common good, but rather a constant tenor of  
close

close dissimulation and greedy intensiveness upon all advantages of not only holding fast in every punctillio, but advancing still further the grand interest of his power and profit; and that as far as humane wit could guess of mans heart by its fruits, the two great poles of his whole revolution were dominion and covetousness (of which upon many sinister dealings of of his, there's not three men of all our Society that have been the constant observers of his Colledge-transactions this seven years, but have at one time or other exprest their deep resentment) this is that hath occasion'd this extraordinary petition for a just restraint of this exorbitancy of an assum'd power within those bounds our Law-givers wisdom had prescribed to it, with some concurrent helps for the surer execution of his declared will: *‘Ex malis moribus orite sunt bone leges.* 'Tis the greatest glory of good Magistrates, that they can, in imitation of him whose image they bear, bring forth good out of evil, light out of darkness; and like the Sun in the Firmament, produce good Laws an equivocal brood out of corrupt manners.

These

These things I thought it convenient by way of diversion to suggest, not that the cause stands in need of it, but onely to open your eyes, that you might see how this Antichristian mystery of the negative voice began its working betimes, even neer the Apostolick dayes of Reformation.

For to the very letter of the Statute as it stands, I am not without a very satisfactory answer.

For it says not possitively, that all Concessions, Elections &c. shall be Null which want the Prefects consent; but that in all Elections, Concessions, &c. the Prefects consent is necessarily to be required. Now we know that that word is of the same nature with *Postulo* in Latin, and so implies rather that the Prefects consent is to be required of him *de jure*, as a right, then begg'd as an act of grace, as if the Societies consent without his *Le Roy le veult* were of no force.

And this answer in these times wherein all Statutes ought to be interpreted in favour of liberty, as they were formerly in favour of Prerogative, might alone suffice, But I shall add

add another of more convincing evidence ; which is this.

That granting the intent of this Statute was to make the Masters consent a necessary ingredient to the composition of each Election or Concession, &c. yet it absolves them not from that obliging power which lies upon them by any of their local Statutes to consent to what is advis'd by the major part of their Societies, but that by refusal of such consent they incur the guilt of perjury and breach of trust, or such other penalty as their Founders providence hath allotted for the establishment of that Law ; and therefore this obligation to consent remaining still in full force, supposes in the major part the Prefects consent legally involv'd and included.

As to compare the greater with our smaller controversies, the Kings consent was alwayes suppos'd to be legally included in the major Vote, even of the most petit Tribunal, much more of the grand Judicatory of the whole Nation, though never so much personally dissenting : which principle hath been always esteem'd one of the main pillars of our cause, upon which alone

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we

we might lay the whole stress, of not onely the justice and lawfulness, but even legality of our war. But this man who no doubt hath more then once with our once-Brethren of Scotland voted the King a man of Blood, and guilty of all the Bloodshed of this war, for endeavouring but to assert this power to himself (though far more favoured by the standing Laws of the Kingdom at that time, then with us by our Statute) yet hath not scrupled to do the same thing himself, both in his particular practise in the Colledge, and by his appearance here with all his interest and wit to maintain this prerogative.

But to return to the Point.

This Point having been fully clear'd up to you out of our local Statute, that our Master is bound to consent to the Vote of the major part, that expression of the University Statute will now I hope create no prejudice.

And this answer may likewise furnish another argument for the negative voice, which may possibly be drawn from our Statute of Elections, which requires *Consensum Magistrorum, et majoris partis sociorum*, and some others



others running in the same strain. For the true sense of that Statute *de arduis* being now fully clear'd, makes it apparent, that in the consent of the major part of the Society, the Masters consent alwayes is, or ought to be included.

And now having I hope removed all doubts and objections, I shall desire leave to speak a word to my sixth Motive for granting my Petition, *viz.* the danger lest this root of corruption left among us, should hence spread it self again to infect the whole Nation. This I confess may seem at first sight but a meer flourish of Rhetorick, or far-fetcht strain of Melancholy; but I shall make it appear there's much of reality in the assertion.

'Tis an humour you all know the most of mankind are much incident to, to labour the promotion and propagation of the forms, opinions, and customs of those places where they live, especially where they have been train'd up in their younger years; and therefore it was the policy of the Contrivers of our former Government (as knowing that that Government could never be durable, which had not its image

stamp upon the peoples affections) to  
 set up the image of that universal Go-  
 vernment of the State in every petty  
 combination of men. Hence as a  
 reflected Image of the then-present  
 Government by King and Council,  
 King and Lords, or King and Par-  
 liament, was set up that Govern-  
 ment of Corporations by Maior and  
 Aldermen, Dean and Chapter, Master  
 and Fellows ; and in Corporations,  
 Masters and Wardens of particular  
 Companies ; all which were nothing  
 but the general frame of the State-  
 Government contracted as to the mat-  
 ter onely into a narrower compass; and  
 this was that that fixt the love of Mo-  
 narchy so fast in the affections of most  
 Corporations, that had it not been that  
 the King had displeased some of the  
 greatest of them by hard impositions  
 upon them in way of their Trade, and  
 withall let loose his Bishops to exercise  
 their tyranny in trampling upon the  
 faces of their reverenc'd Ministers,  
 they had never been brought off to  
 draw sword against their Prototype ;  
 and after they had done it, its observa-  
 ble how prone the great ones among  
 them were often to defection, and how  
 zealous

zealous in shewing their distaste at the removal of that great Idol; of all which the King was very sagaciously sensible in the beginning of these wars, when in a proposal of his to part with the Militia upon some provisos, yet would by no means consent to take the Militia's of Corporations out of their own hands: yet were not the Chiefs of those Corporations such perfect Images of Monarchy, as ours, either for power, or durance; those were indeed but shadows of it: but ours in regard of their continuance in trust, during the term of their lives, were its living Images, wanting nothing but an establishment of it in their posterity, which yet they bid fair for too, in that new *Elizabeth*-Reformation, wherein they did in a positive inhibition of Fellows from Marriage, handsomly imply a leave indulg'd to themselves.

But it may be some will look at this Argument as a great Mallet lifted up to kill a Fly: Our Corporations you will say are small, and inconsiderable, a meer Synedrion of young Youths, or handfuls of poor contemplative men system'd up for Orders sake into the form of a Corporation; what good

or ill can redound from these to the whole Nation :

But I shall easily make this appear to be a misprision, and that there will be more and greater danger from neglect to remedy this evil in our smaller bodies, then from the most populous City of the whole Nation.

For our Corporations, though but small in bulk, are like those grains of Mustard-seed our Saviour speaks of, of a vast, comprehensive and multiplying capacity. The members of those great Corporations, are men its true of abler purses, and stronger bodies for the present State Service ; but their abilities are confin'd all within the narrow bounds of their own territory ; but ours are Seminaries of able wits which are sent to us from all parts of the Nation, in the very nick of their first emerſion from the slavery of the Ferula into a state of liberty, at the first putting on of their considering caps, they being as yet *abrasæ tabula*, smooth tables, prepar'd to receive of us those tinctures of good or bad principles ; with which impressions stamp upon them, they afterwards spread themselves into every corner and quarter

quarter to leaven the whole Nation. No man educated among us, but goes away instructed for some publike trust, but is in capacity to be an *Abraham*, a Father of many Nations.

Therefore it concerns you very deeply, who desire not by arms onely, but by principles, to root up Regality, and mold the Nation into a true Commonwealth-frame, to pull down (by taking away its destructive power) this image of it in those Fountains of Youths education, lest the youth of the Nation coming in their souls choicest pregnancy to drink of our waters, enamour'd of that Idol, conceive and bring forth its Antitype as heir male to their strongest affections and endeavours, to be promoted again to its lost inheritance, when time and opportunity shall serve.

And for the same reason does it deeply concern you to take special care of the Societies of Colledges, and not give away Fellowships. being you see places, though of small profit, yet of high trust to every begger that comes to you with a formal Certificate, much less to confer these high trusts upon Samaritans, and meer slavish com-

pliers, but especially to render their precious liberties as the apple of your eye, to which nothing can be more inconsistent, then a negative voyce plac'd in any one man; for let any of the Society approve himself never so active and industrious in promoting the Colledge good, and with his utmost pains and skill train up his Pupils to the most eminent proficiency in Piety and Learning, yet if he will not flatter, and fawn, crouch, and cringe, and comply with this one great Monarch, even to a betraying of the common Freedom to his corrupt ends of pride or covetousness, he lives an unserviceable man, and all those educated under his charge are put into an impossibility of ever attaining that preferment their deserts shall make them capable of. Though the whole community, or far greater part judge them worthy of it, one mans *non placet* shall blast all, and how great a temptation this will be even to some not dis-ingenuous men (being not willing to expose those under their trust to contempt and beggery) to worship the Image of that great beast, I leave to your wisdoms to judge; as likewise, whether such an  
 Impression

impression of slavery fixt upon the spirits of Fellows of Colledges, be not like to impress its counterfeit upon those educated under their trust, and by their means upon the greatest part of the Nation.

Another motive give me leave to present you with, which though omitted in my Petition, is of great consequence, being drawn from the Principles of universal reason, which will say, that every particular mans interest of the Society being every way equal to that of the Master, nay in some respects far greater, (for the Master is but one single person; but every Fellow having Pupils under his charge, is a kind of Corporation by himself) 'tis a thing contrary to common sense that his one voyce should be laid in the ballance to oversway the major part of the Society.

There was once a Custom in some Corporations (of which our selves have yet in our Colledge some shadows left) that not the Warden or Master onely, but every single man of the Society had a negative voyce, which upon this very ground, as contrary to the common Law of the Land, i.e. to

common Reason, was taken away by an Act of Parliament, 33. H. 8. onely I conceive in tenderness to the Prerogatives of Monarchy, much favour'd throughout the whole body of our Laws, the Statute was so pen'd, that the Mayor, Master or Warden had his negative left him; but now we have no Monarchy, whose Priviledges we ought to be tender of, and there's every way the same reason, nay far more, for devastating the single Warden of his negative, then for taking it away from so many members *conjunction*, as may amount to near the half of the Society.

One word more I desire to add as an enforcement of my Petition, that of all Masters of Colledges in the Town, there's least reason the Master of our Colledge should claim to himself this grand Prerogative of a negative voyce; for the whole burthen of the Colledge-government hath for all these seven years layd wholly upon the shoulders of the President and Fellows.

The Master hath held his place now for about seven years, yet he hath never once that I know of resided among us for six weeks, nay, not one month, seldom



seldom above a fortnight together at one time; hath seldom or never visited us, but when he was necessitated to it, either to supply his course in the University-Church, or to audit our Accounts, and receive his money: All his short visits put together for this whole seven years, will not mount to one years continuance.

For which prodigious absence of his from his charge, all he can say is onely his being Benefic'd in *London*, or an Assembly-man, or that he hath been employed in Colledge affairs.

Now for Colledge-affairs, in those we have, its true, made some small use of his being at *London*, but never impow'ed him to reside at *London* for that purpose; nor was there need; for nothing was ever done by him, which a common Solicitor for a small fee would not have performed as well, or better, especially being sufficiently furnish'd with his instructions or Letters to Council at Law, or such great men as were to have addresses made to them in cases of need.

And for his Benefice and Assembly-man-ship, there's no reason either of them should be a protection to save him

him from an Arrest for that debt of Residence he owes the Colledge, from whence he has had so considerable subsistence; for one of them being a place (by common fame) of one, if not two hundred pounds a year, the other of four shillings a day; it seems not very reasonable, that one so much against Pluralities, should enjoy the revenue of all three places, and bear the burthen but of two. For he hath all this time of his discontinuance laid in a manner the whole burthen of his Colledge-Office upon the Presidents back, not allowing him for his pains so much as one penny.

Besides, it may be answered, that all the other Masters of Colledges, who yet were many of them Assembly-men as well as he, have been far more constant continuers at their respective charges, and have some of them as I think relinquish'd considerable Benefices they were possess'd of elsewhere, that they might the more solely attend their charges at *Cambridge*: And I'am sure ours hath not wanted all the encouragement we could give him to enable him to it, having out of our common poverty  
conniv'd

conniv'd ever since our coming to the Colledge at his taking a double portion of our Dividend, though neither allowed him by our Statute, nor any constant precedent beyond the second year of Doctor *Cosins* his time.

Now that this man who is apparently of no use to the Colledge, whose servant he should be by the constitution, but resides at *London* afar off, making use of the Colledge onely as a prey, and his title onely as a hook to draw power and profit to himself, knowing little but by hearsay of the sufficiency, or insufficiency, good or ill behaviour of each Member of the Colledge, should be thought fit to have a power superior to the Society, who to their great charge reside upon the place, and bear the whole burthen, 'tis a thing beyond the comprehension of a vulgar understanding.

I have now done with all my motives.

As to the Prayer of the Petition: having so amply express'd my mind in it, I need not add much by way of Exposition or Apology.

Only this:

\* Tis not, as some may perhaps suggest,

gest, a fancie or new Model of my own brain, but 'tis a Model approv'd of in a parallel case by the reason of the whole Nations Representative. It concerns every Member of this honourable Assembly more then my self, to make it good; for 'tis nothing else from point to point, but a Series of such particulars as the wisdom of the whole Parliament judg'd necessary for the circumstantiating that freedom which the City of London were debar'd of through the like want of provision in their Law: change but the name of London for Peter-house, ten of their numerous Common-Council for two of our seven Seniors, and their [at any time] for our within 48 hours, and this draught will prove wholly the same with that Act of Parliament.

Nor could less have been well desired for taking away that hurtful Prerogative I dispute against, which is not the bare name of a negative voyce, but the substance, viz. that supremacy of power which our chief Officer claims above the whole or major part of the Community; which is of a Complex nature, and consists of these  
three

three powers, viz. 1. Of calling of meetings. 2. Of proposing of questions. 3. Of asking the results of those meetings. Any one of which three powers remaining in the chief Officer, makes him as absolute as if invested with all three; and therefore the Parliament saw well in the City of London's Case, that for the removal of that great evil, an establishment of all these particulars was of absolute necessity.

For to return to our former parallel, grant but to our once-chief Officer of State the sole power of calling Parliaments, and binding them up to those questions onely which he shall think fit to propose, hee'l not much desire, or stand in need of a negative voice, seeing he is able by either of those two former powers, to crush in the egg any motion which he suspects may in the least infringe his prerogative, or other corruptions.

So in our lesser Commonwealth, though you should grant or declare in general terms that the Master shall have no negative voice, and leave him but this power (for want of provision to the contrary) that by delay of meetings when most necessary, or by making

making himself judge of that necessity, or in those meetings by refusing such questions as he likes not, he can keep us from ever coming to a voicing, or if after voicing he may refuse or delay to act our determinations, and yet neither be liable to a sufficient penalty for any of those refusals, nor we through the defect in our Statute enabled to meet, debate, or act any thing without him, he is an absolute Monarch, and has a most firm possession of a negative in reality, however denied him in words. And for this reason it was that I have been so bold in the prayer of my Petition to be so punctually particular.

Now if any man object that these things granted would be a cause of much tumult, and factious disorders in our Colledge: I answer; The experience of the same in the City of London shews the quite contrary, where 'tis apparent nothing but the sweetest streams of unity, freedom and peace have issued out of this fountain: For it lies onely as a dormant proviso, like the *major excommunicatio* of the Presbytery, *in terrorem*, never like to be put into Act, except in cases of unheard-  
of

of obstinacie. Whereas on the contrary the want of this proviſion has been the original of all our diſiſions ; nothing being the more natural fountain of contention amongſt men or bodies politick, then the want of certain bounds aſſign'd to each man or bodies propriety ; which made the wiſe Law-giver *Moses* to denounce ſuch a fearful curſe upon the remover of Land-marks ; and religious *Numa* to place *Terminus* the God of boundaries among his principal Deities, and to erect him a Temple, as I remember next adjoyning to that of Concord.

As for the laſt claufe, which concerns the Maſters and Preſidents abſence, 'tis not only almoſt the ſame with that in the Act for *London*, but was moreover a proviſo fitted more eſpecially to the preſent conſtitution of our Colledge, which hath oft ſtood in great need of it, as I could inſtance in caſes of Conſiderable conſequence.

And beſides that, the making of ſome ſuch proviſion is a thing moſt agreeable to our Founders will, who ſays expreſſy that the Colledge ſhould not *deſenſore, & reſtore curere*, the thing I aym'd at in this Propoſal, was the  
Preſidents

Presidents ease, and the Colledges convenience : for as I told you before, the Master being almost a constant non-resident, and having power by Statute to make President whom he pleases (which President is charg'd with the whole burthen of his Office) it will oft happen that this President must either necessarily suffer much prejudice in some affairs of his own, requiring his presence elsewhere, or the Colledge suffer much detriment for want of power to act as a living body in cases of emergent need. For that our Colledge-debates should be packeted up to *London* to a man sitting there in his *regalia*, and looking at us afar off, or that the life of our Assemblies should be derived from the spirit sent from *London* in a cloth-bag, is a thing disagreeable to common equity, and a flat contradiction to our Founders declared will.

All I have to say further is, that in this draught of my Petition, however displeasing to our reverend Master, I have had no aym at his prejudice further then was of absolute necessity to state our freedoms, and vindicate them from his unjust usurpations. If I have herein  
pre-



prejudic'd any, 'tis rather the Society, by allotting the Master so much as an affirmative voice, which some of us are of opinion that by our Statutes, if well understood, he cannot lay claim to. But being desirous in this matter to walk in an indifferent way, giving each their reasonable due, and to follow close not mine own, but rather the publike wisdom of the Parliament for my pattern; I doubt not of finding from them an easie pardon of my error.

I have now done with the Petition.

There was one motive for its enforcement refer'd to the last place, which was by shewing how the Master of our Colledge for want of these provisions here petition'd for, had debar'd us of our manifest rights of treating in a Colledge-way about some affairs neerly concerning the common good, and of having our Resolves put into due execution: And how both particular Members, and the whole Colledge had suffer'd much prejudice by those his usurpations, which because I thought he might possibly deny, 'twas for this cause chiefly, that I troubled these  
Gentlemen

Gentlemen of our Society to make their appearance before you. These being they, who (except our President, and one of our Deans left at home for the necessary affairs of our Colledge) make up the whole number of those now resident, who having been present at all our former and later transactions, are best able to bear witness to those particulars I shall instance in.

Yet because I have I think already both overwearied your patience, and laid before you reasons enough of far greater consequence for the enforcement of my Petition, my desire is, that there may rather be a perpetual Amnesty of all our forepast grievances, and that our liberties may be so settled for the future, as each part knowing their due bounds, a true Christian amity may be preserv'd among us, and this honourable Committee freed from further trouble. And therefore except this honourable Assembly, or our reverend Master, for the Vindication of his own repute, shall impose that task upon me, I shall wave this Argument, and leave it to your wisdom to judge what has been already spoken.

Onely

Onely to his Argument for the negative voice in such particular cases wherein he is appointed to consult with the Deans onely, I can onely say, that 'twas not the prime Statute, but an interpretation of Statute made many years after by a single Bishop of *Ely*, which endowed the Master with this Prerogative. And it being besides against the Principles of common freedom, that an Officer constituted for term of life should have this vast pre-eminence of two of the greatest Colledge Officers annually Elected to their trusts, I shall in this following Petition which I here present you with, as an appendix to my former, crave the assistance of your Authority for the solution of this knot.

To

T-O

*The Honorable the Committee  
for the Reformation of the  
Universities.*

*The humble Petition of Chayls Horbam  
Fellow of Peter-house.*

Sheweth,

**T**Hat whereas by our Colledge-  
Statutes there are about twenty par-  
ticular cases in which the judgement be-  
longs not to the whole Society, but either  
to the Master and five or six Seniors,  
or to the Master and Deans alone,  
and that in all cases wherein the  
Master and Deans are solely trusted,  
being many of them cases of great con-  
cernment, the Master had by an interpre-  
tation made by a Bishop of Ely betwixt  
one and two hundred years after the  
Foundation, a Negative voice conferr'd  
upon him, which however agreeable to the  
policy of those times, is contrary to the  
principles and grounds of our present Re-  
formation, and establishment of this Na-  
tion in form of a Commonwealth, and  
much

much prejudicial to the good and welfare of the whole Colledge :

You Petitioner doth further pray, that the Negative voice of one man in all our Assemblies may be taken away root & branch, and that in all Elections and Consultations whatsoever of the Master with the Fellows, Seniors, Deans, Bursars, or any other, the determination of the major part of those who have voice in that Election, or consultation, may be acquiesced in, as the Act of that Assembly.

And your Petitioner, with the whole Colledge, shall ever pray, &c.

This last clause and Petition concerning the Master and Deans were, though here inserted, yet forgotten to be delivered to the Committee.

My Argument ended, the Master made a long reply, the punctual repetition of which I must leave to his own memory and pen. It touch'd nothing upon any material point of my Argument, But was rather a descant upon my

my Petition, with some recriminations, consisting to my best remembrance of these heads.

That he had assum'd no power that was not his own by Statute : as was the calling of meetings, &c.

That he had never shewn any aversness from meetings, nor ever dissolv'd any, but when the time it self dissolved them.

That 't is true he had propounded questions according to his own sence, but offer'd to others the same liberty of propounding questions in theirs.

That we must distinguish between the major part of the whole Society, & the major part of those present, which sometimes being but few in number, were not fit to make Acts obligatory to the whole Colledge.

That the Fellows were the onely men averse from Meetings, whom he could not easily get together, but when there was some Lease to be let, &c.

That the party Camplainant was himself, though Dean, absent from the last anniversary meeting appointed for reading the Statutes.

That in the clause inserted in his Petition concerning the Senior Fellow's being President, he aim'd at his own promotion, being the next Senior himself, and

so desirous of this power, that in his or the Presidents absence he might assemble the Fellows about the making of new Models of Government.

This was to my best memory the sum of his reply. To which it might easily have been answered.

That this suggestion of my seeking the Presidentship for my self, was a most groundless scandal, It never having hapned all this seven years above twice that I know of, that my self was the Senior Fellow resident, which lasted but for a few dayes neither.

Besides, the Office being a vast burthen, and nothing in it desirable to such eye of ambition or covetousness as he (measuring others by himself) suppos'd in me, nor my self in any probability of intermeddling with that Office, being (contrary to his allegation) neither the first nor second Senior of the Colledge, both which, with the Master, must be all three absent, before I could be in capacity to act, and that for some longer time then ever yet had been, else no danger of attempting, much less of perfecting any new Model, especially there being but two times a year, wherein the Col-

ledge is enabled to make new, or interpret old Statutes.

For my absence. That 'twas not about any private pleasure or business of mine own, but was solely to seek a removal, and hinder the further progress of those evils brought upon the Colledge by his fraud and breach of trust, and those large opportunities he hath had of acting those treacheries by his own constant residence at London, and his Proctor with the Reverend Beard standing always at the Committees elbows, and being admitted (when all others are withdrawn) to their private debates, and to speak in some cases when those most concern'd cannot come in to answer, in which though by reason of those vast disadvantages I have been unsuccessful, yet I esteem'd both my expence of time and pains, and the double my Colledge-revenue well employed in the endeavour.

That his distinction of the major part of the whole Society, and those present, was a piece of empty Sophistry, himself well knowing there was never yet since our first coming to the Colledge (which is now almost seven years) a full meeting of the whole number



number of Master and Fellows together, nor can there well be, by reason of sickness, business, or travel allow'd of by Statute, perpetually occasioning some two or three mens absence; so that if he may be allow'd this *salvo* for his Negative, he will never want one who shall be absent for his sake.

Besides, he always esteem'd the major part of those present, though not the whole society, valid enough to bind the Colledge where himself was present and consenting; an evident sign, 'tis his own only consent, not the number of those absent or present he chiefly values.

That his accusation of the Fellows as slack in coming to meetings, except in cases of Leases, &c. was a groundless scandal, of which fault himself was onely guilty, having at those great *semestrian* meetings appointed for reading, and considering Statutes, been but twice, or at most, thrice present during all the time of his Mastership; and particularly in the last great meeting, to which he summon'd all the Fellows, he staid not the reading out of one third part of the Statutes; nor indeed could ever be got from London to any Col-

ledge-meeting, but when his quarterly course in preaching, or auditing the Accounts (being alwayes suspicious of the denial of his double Dividend at those times) enforc'd his presence.

That he hath been sometimes, when there was great cause of meeting, neer a fortnight together, not calling any meeeting till just a day or two at most before his departure, whereby himself was eas'd, and the President wholly charg'd with the cares of such businesses as should have been then dispatch'd by himself.

That in meetings it hath been observably his custome when he had a minde to dispatch a business in deed, to sit him down, and call us formally to the table, and to cut out his work for the debate, with all dexterity and expedition.

But when a business was to come on which he lik'd not, then to let us alone by the fire, or to leave his Chair, and us, to dispute at random, other while to spin out the time with us in discourses of lesser affairs, or if prest to come home to the main business, then to fall a shuffling, and cowering, and winding us from the point by some

some non-significant, or dividing questions, of which Artifices he hath oft shewn himself a well skill'd Architect.

And for propounded of questions, his duty is, after the laying open before us the businesses he hath to acquaint us with, not to lean upon his own prudence in proposing to us like School-boys such questions as himself onely shall think fit, but to be in that main point of the scrutiny rul'd by the adyce of the whole or major part of the Society.

And therefore what he acknowledges, viz. that he did take upon him in the first place to propound questions of his own sence, was a great usurpation; but that he gave others the like liberty, is an Apologie nothing to the purpose; for our Statute appropriating it to the Masters Office, to ask the Fellows advice; if any other do it but he, it renders the whole vote of the Society a meer nullity: Now its true, the Master once at a meeting, when one excepted against some litigious questions of his propounding against the sence of the Society, promised he would afterwards propound those questions he had nam'd in terminis.

but when it came to the point, told the party, he might now propound those questions himself, if he pleased, (which he knew well had been a thing illegal and void) but refus'd utterly in pursuance of his promise and duty to prosecute them himself.

These things I know will to a superficial view seem but inconsiderable brangles; but to men of piercing judgements, and well vers'd in Parliamentary debates, that see daily what a King the Speaker would be, if solely intrusted with this Prerogative above the Parliament; and how great a weight of business is oft turn'd upon the hinge of one small puntill'o, in the stating of a question; these things cannot but appear of high concernment.

Yet I had very many materials of a much higher nature to charge him with, which being provok'd by his challenge, I was then as I told the Committee, ready to produce, having for witnesses most of the Senior Fellows then present before them to make them good. But as I was just entring upon that task, a worthy member of the Committee propounded it as a question to be

be first debated by themselves, whether they should single out the point of Statute to be determined, as they should see just upon weighing the Arguments of both parties laid before them in theory, or take in with it the consideration of the practick, consisting of personal charge. Another Gentleman seconding him, propounded likewise as fit to be considered, whether they would admit of recriminations, which are like to be endless (each party still deeming himself oblig'd to reply and answer at large to each others, though non-pertinent objections) or rather as the first Gentleman propounded, would fall singly upon the point of Theory. This motion the whole Assembly seem'd to assent to; so according to the custome of the Committee we were commanded to withdraw, and the doors shut. The product of the private debate was this.

*April. 10. 1651.*

At the Committee for Reformation  
of the Universities.

Resolved,

*That a view be taken of the severa-  
Statutes of the Universities, and the*

Colledges and Halls therein respectively, to the end that they may be reduced to such a State as may render them most conducing to the advancement of true piety, and the interest of a Commonwealth.

Resolved,

That Mr. Rous, Mr. Martin, Mr. Moyle, Sir Hen. Mildmay, Mr. Oldsworth, Mr. Thomas Chaloner, Mr. James Chaloner, Mr. Palmer, Mr. R. Darley, Mr. Love, Mr. Nevil, be a Sub-Committee for this purpose, and that any three or more of them do meet and consider thereof, and make Report to this Committee from time to time concerning the same, as there shall be cause: and the care of this business is especially referred to Mr. Oldsworth.

In pursuance of which resolve, some of those Gentlemen, Members of this Sub-Committee have since met, and past the following Order.

April 25. 1651.

At the Sub-Committee for viewing the Statutes of the Universities.

**T**He Parliament having resolved a thorow Reformation of the Universities,

ties, and the Committee appointed for that purpose in Order thereunto having taken the same into consideration, do hereby desire and require the respective Heads of Colledges, and those Fellows that are interested in the Government thereof for the time being, to send up to this Committee true transcripts of the Statutes of the said Colledges, examined and attested under their hands respectively; and they do specially recommend it to the care of the said Heads, Governors, and Officers, to consider what Statutes or any parts thereof are prejudicial to Religion, Learning, good Manners, or the present Government; and further, whether there be any defects in the same, and to propose their opinions concerning the supplying of the said defects; and that they give an account of the receipt hereof forthwith, and of their further proceedings concerning the same with all convenient speed.

James Chaloner, F. Rous,  
M. Oldsworth.

E 5 The

The private business upon which at Doctor *Seamans* Motion the grand Petition was at first laid aside, though indeed it nothing concerned it, yet is a story worth the reading, and therefore take it as follows.

**W**E had a Fellowship in our Colledge kept vacant for many years, as the Master pretended for the Colledge necessities, but as the Fellows well knew, for the defraiment of his double Dividend; this Fellowship one Sir *Cornwall*, Scholar of our Colledge, observing the Committee had before in a parallel case, taken the disposal of such dormant vacancies into their own hands, petition'd to have conferr'd upon him; whereupon the Committee ordered the *Master* and *Seniors*, or any two of them, to certifie the true state of the case; which



which Order being read at a public meeting, the Master was very urgent with the Society to certify it as legal and for the College necessities; which the Fellows as not agreeable to truth, generally refused to do: so the Master (and one of the Society concurring with him so far) made only this general return, that it had ever since our coming to the College been kept vacant, but for just reasons. But the Master alone makes another return, specifying some particular reasons, as namely a debt of above one hundred pounds owing to him by the College. Upon which Allegations he made a large descant before the Committee; which ended,

I put in some exceptions in writing, detecting somewhat of his fraudulent dealing with the College, and further added some enlargements, as I remember to this effect.

1. That the Fellowship had not been kept vacant by any public vote, nor for those reasons he produc'd.

2. As to the debt, that once in a meeting, knowing our stock behind hand, and in an incapacity of disbursing money, he presat hard upon us for this debt, and took the advantage to say, that if we did  
not

not presently pay, or clear him of it, he would be at liberty, if he pleas'd, to dispose of the Lands as himself should think good. And being answered, that the present Revenue of the Land would neer amount to the payment of moderate Interest for his money, and that for his security he should have the Colledge-Seal, upon which one of the Society had formerly lent the Colledge an hundred pounds; he slighted all, and nothing would content him, but either the money presently, or some of our particular Bonds, or the Land to be at his own dispose. So we being in this strait, myself, to give some breathing time to the business, presently offered upon that very security, viz. the Colledge-Seal, which the Master had so unbecomingly slighted, to lend the Colledge fifty pounds for some months, till we might think of some better way; and another, (I think 'twas Mr. Quarles) seconding me, offered the loan of forty pounds; which ninety pounds, together with another income then mentioned, would make up the whole debt. But the Master seeing his pretence of seising the Land to himself thus defeated, neither accepted our offer, nor spoke more of the business at that time.

And

And further, that this debt be now mentions as a plea for keeping void this Fellowship, was a meer pretence made use of for by-ends, might hence appear. That he had formerly in a Colledge-meeting twitted us again with this debt as a plea for keeping void another Fellowship against our common Consent, yet gave way to his own man to defeat the Colledge of that Fellowship, not once appearing (though acquainted with his mans intentions) by

Petition or otherwise in behalf of the Colledge right, which to have done was both the duty of his place,

† For this treacherous neglect of his, he alledg'd before the Committee three excuses.

First, That being to Preach he could not get time to attend the Committee with a Petition upon that occasion.

Ans<sup>r</sup>. Then 'tis not fit the same man should be a preacher in London, and Master of a Colledge in Cambridge: For our Colledge Statute says expressly, That our Colledge businesses and rights ought not to suffer damage by the Masters studies, absence, or other defects.

Secondly,

Secondly, That having had notice before hand of his mans intentions, he might for once have provided himself of an exchange.

Thirdly, He might as well have got Mr. Byfield to have presented a Petition for the Colledge; as he did afterwards (in probability) to plead for his man against the Colledge.

His second excuse was, That he had petitioned the Committee, that nothing might be there determined concerning our Colledge, till he were call'd in to give information, &c.

Answer. This Petition of his, was not put in the leastwise to binder his mans enshutment, but was preferr'd a fortnight or a moneth after, when the controversie about his man was quite at an end: 'Twas upon occasion of some of us preferring to the Committee a Petition, for the reinforcement of one of our ancient Statutes overthrowen by Doctor Wren in the late Kings days, he himself having refus'd to have any Elections, till we should petition the Committee for a determination of that controversie, yet when we came to petition, and shew'd him a Copy of it, he refus'd to joyn with us, and thereupon presents the Committee this  
Petition

Petition he speaks of. So this allegation being so, nothing to the purpose, seems he was deeply at a loss what to say.

His third excuse was, That he had no commission from the Fellows to petition for keeping void that Fellowship, they having refus'd to sign a Paper offer'd them by the President to that effect.

Answer. That Paper which the Fellows refus'd to sign, was for the keeping void of two Fellowships, which they were not willing to yield to, especially one of them being I think Mr. Beckers Fellowship, which the Committee having not then declar'd void, the Fellows might well think it too unfriendly a part by such a Petition to put the Committee in mind of ejecting him; but for this Fellowship of Mr. Malor, which we now speak of, the major part of the Society did vote a present Election into it, but the Master refusing to act upon that vote; we met again in the afternoon, and in discourse upon that business, 'twas the general sense of all, that the Master, seeing he would not yield to an Election, should at least be so honest as to use his best endeavour that it might not be supply'd by the Committee, but kept void upon those reasons he had alledg'd against an Election.

Election, which (as is witness'd in those Letters at the end of the book) he promis'd faithfully to do, but perform'd not a syllable: Nay, I fear if all were well known, 'twould appear there was more of him then his bare permission and connivence in his mans procurement of that Fellowship.

But see his mans hypocrisie! when he is to appear for the publike interest of the Colledge against his private, he hath a bone in his arm, can plead preaching and want of a Commission. But in Sr. Conyers his Case, who stood for that Fellowship which was kept void for the defrayment of his double dividend; there the private interest of spleen and covetousness whetting him on, he could for two several weeks forsake his preaching, and come to the Committee to plead for the keeping voyd of that Fellowship, without the least Commission, nay, against the general sence of the Society, and to cast disgrace upon the President and Fellows for their electing him.

But I am glad, however I suffer'd by it, the disrepute is faln back upon his own head, who most justly deserves it.

and his solemn promise before the Society, as many can witness.

*See two Letters annex'd to the later end of this Book.*

Thirdly, That the Bishop of Ely himself, in whose power the Committee was to act as to this cause, could not by our Statute give way to the keeping vacant any Fellowship without the desire and Counsel of the Master and major part of the Fellows; but here there appeared no desire of so much as one of the Fellows to have it kept longer vacant. But the Master did it alone of his own head; contrary to the sense of the major part of the Society, and contrary to our express Statute, which says the Master should not headily rely upon his own wisdom, but stand to the discretion of the major part.

To these things the Master having replied what he thought fit, we were commanded to withdraw, and the Committee being, it seems, sensible that the Fellowship being void by death was not theirs, but the Colledges right to dispose of, made this following Order.

*March*

March the 27<sup>th</sup>. 1651.

At the Committee for Reformation of the Universities.

Upon Reading the Petition of Mr. Tobias Conyers, Bachelor of Arts, and Scholar of Peter-house in the University of Cambridge, together with the testimonials of him hereunto annexed, and likewise the return of the Master, and one of the Fellows of the said Colledge, concerning the vacancy of Mr. Hanscombs Fellowship, and upon hearing Doctor Seaman and Mr. Habham before the Committee; It is Ordered upon debate of the matter, that the Master, or President and Fellows of the said Colledge, do forthwith proceed to election of a godly and learned Person into the place of the said Mr. Hanscomb, and that they give an account thereof to this Committee on this day fortnight.

James Chaloner.

The Colledge having received this Order, proceeded according to their usual form within eight dayes, unto an Election.



Election. The result of which was the Election of *Sr. Conyers* into the said vacancy; to which Election the President, and all the Fellows were consenting, excepting onely three Juniors brought in lately by the Masters interest at *London*, and who indeed according to our Colledge Statutes being in their state of minority, and not out of their year of Probation, should have had no voices in the Election; yet these three not agreeing, neither, in any one man for a Competitor.

The reasons moving the Society to the Election of *Sr. Conyers*, were these:

First, he was one in a speciall manner design'd out to us for that perferment by our Colledge Statute, both in regard of poverty, a thing generally favoured in all Statutes, and likewise in regard of his Countrey, our Statute allowing two Fellowships for each County, and but one of them supplied with men of his qualification, and this Fellowship belonging to the Northern Division, which we were bound in the first place to see supplied.

Secondly, Our Statute commands us to chuse the ablest man we know  
of

of, or can find out. Now *Sr. Conyers* was known to be one of the greatest eminency for learning and parts in our whole Colledge, insomuch, that though we had a general Order made some years ago for examination of such as should stand for Fellowships, yet was it unanimously agreed even by those that dissented from the Election, that they were all so well satisfied of his learning and sufficiency, as that the former Order for Examination might well be suspended for that time, except some man should declare to the President his intent to stand as a Competitor against him, in which case there should be an examination; but no man adventured upon the tryal.

Thirdly, He was well known to us for the general course of his life to be one of a pious and vertuous conversation; Excepting only that once growing a little elated by a sudden promotion, and falling acquainted with a malignant, he began to be a little seduced, in which time, (which was about two years ago,) 'twas his ill hap to be in the company of some Rakels of another Colledge, who drank the Kings Health, and he with them: But  
for

for this fault, with some concurring circumstances, he did then receive most severe punishment, every way answerable, if not greater then the offence: And for the malignant distemper, that held him not above two months; he was by his Tutors and Fathers Counsels soon reclaimed from it: and as his life had been before this one unhappy misdemeanor, so was it all the time of his abode in the Colledge after, which was for above a year, exemplarily pious and vertuous. And he had both to his Tutor, and to some honest Scholars of his acquaintance given that full evidence of his change of mind both in reference to piety, and good affection to the State (which he had likewise evidenced by that ordinary way of taking the Engagement) that there could not be now left any scruple in any rational man's breast concerning either his piety or good affection to the Commonwealth. Besides all this, he had a most ample testimony both of his piety and good affection to the State, such as is not ordinarily given to any man, from some godly and well-affected Gentlemen and Ministers in Norfolk, where

where he had lived the last year of his discontinuance from the Colledge.

Some buzzings there were of some Heterodox opinions which he was said to hold, but neither did the Master, nor any one of the Society, even of those that discented from the Election, lay any thing publicly to his charge, and the utmost that any of us could hear, so much as by rumor, was only of some innocuous, though unwary expressions uttered once at a huddling dispute in the Schools, and at an after-supper discourse at one of the Sophisters Feasts; at which times all men know how ordinary it is, and how inoffensive to maintain by way of dispute the greatest Paradoxes.

Fourthly, The Order for Election being made upon his Petition, and sent down to us, with our own and the *Norfolk* testimonial annex'd, we look'd at him as one recommended to us by the committee, as the godly and learned person intended (though in tenderness to the liberty of our Election, not nominated) by their Order. This Election thus made, upon those solid reasons, with a full account of all our proceedings in it, we did

according to Order make a return of to the Committee, not for confirmation (for the Election being every way full and legal, needed it not) but only to shew, that in obedience to their Order, the Fellowship was forthwith supplied by Election.

The form of our return to the Committee, containing the whole proceedings of our Election, was as follows :

To the honourable Committee  
for Reformation of the  
*Universities.*

**W**Hereas there hath been sent to the Colledge an Order from this honourable Committee, dated *March 27. 1651.* requiring the Master or President and Fellows of *Peter-house* in *Cambridge* forthwith to proceed to Election of a godly and learned person into the place of *Mr. Hanscomb*, and to give this honourable Committee an account thereof on this day; these are humbly to certify, that in obedience to the said order, *Tobias Camys*, Bachelor of Arts, and Scholar  
of

of the house of our Colledge, being one generally well approved of amongst us for his piety, learning and good affection to the Commonwealth, was in a full meeting of the President and Fellows elected and admitted into the said Fellowship, according to the Statute and Custom of our Colledge, April 5. 1651. as by these following Copies of the Order, and our proceedings thereupon will more fully appear.

*March the 27<sup>th</sup>. 1651.*

**At the Committee for Reformation of the Universities.**

**U**Pon reading the Petition of Mr. Tobias Conyers, Bachelor of Arts, and Scholar of Peter-house in the University of Cambridge, together with the Testimonials of him hereunto annex'd, and likewise the return of the Master, and one of the Fellows of the said Colledge, concerning the vacancy of Mr. Hanscombs Fellowship, and upon hearing Doctor Seaman and Mr. Hotham before this Committee, It is ordered upon debate of the matter, that the Master or President & Fellows of the said Colledge

Colledge do forthwith proceed to Election of a godly and learned person into the place of the said Mr. *Hanscomb*, and that they give an account hereof to this Committee on this day fortnight.

*James Chaloner.*

*March 29. 1651.*

Agreed by the President and Fellows then present, that in obedience to the Order from the Committee for Reformation of the Universities, dated *March 27. 1651.* this day be the first day of monition according to the Statute about Election.

According to which	<i>Robert Quarls</i>
agreement the first	President.
monition for an	<i>James Clark</i>
Election was pub-	Dec. sen. dep.
lish'd the day and	<i>Edward Sam's</i>
year above written	Dec. jun.
by me	

*Robert Quarls* President.

*April. 3. 1651.*

Agreed by the President and Fellows then present, unanimously, that forasmuch as they are all well satisfied concerning the learning and sufficiency of *Sir Comyers*, there is no need of publick examination of him in reference to the Election, and that therefore it be at this time omitted; yet with this proviso, that if notice be given to the President of any that will stand in competition with him, there shall be a publick examination of all the candidates upon *Friday* and *Saturday*, according to a former Order of the Society, dated *July 15. 1646.* that so the most worthy persons may be Elected.

*Robert Quarls* President.

*James Clark* Dec. sen.

*Charles Mildmay* Dec. jun.

*April.*



April 5. 1651.

The second monition in reference to an Election into the place of Mr. Hanscomb, was publish'd in full meeting according to the Statute and Custom of our Colledge, by me

Robert Quarls President.

Presentibus Sociis

John Francis.

Charles Hotbam.

James Clark.

Francis Brock.

Edward Sam's.

Charles Mildmay.

James Goodale.

Thomas Church.

Ralph Heywood.

William Sam's.

The Election presently followed according to the Schedule hereunto annexed *pagina sequenti.*

This is a true extract out of the Colledge Diary, which with the following Schedule is a full account of our whole proceedings concerning the aforesaid Election.

*Ita testatur*

Ro. Quarls  
Pres.

Ja. Clark  
sen. Dec.

Ch. Mildmay  
Dec. jun.

Aprilis 5. Anno Dom. 1651.  
**Conventus Præsidis & Sociorum**  
**Collegii S<sup>ti</sup> Petri Cantabr.** pro Ele-  
 ctione novi Socii in locum Magi-  
 stri *Hanscomb* nunc vacantem, octi-  
 duo post primam monitionem in-  
 terposito.

**E**go Johannes Francus eligo Tobiam  
 Conyers Eboracensem in Artibus  
 Baccalaureum, in locum Magistr<sup>i</sup> *Hans-*  
*comb* supradictum; sed in annum pro-  
 bationis tantum.

Ego Carolus Hotham eligo Tobiam  
 Conyers Eboracensem in Artibus Bac-  
 calaureum, in locum supradictum; idq;  
 in annum probationis tantum.

Ego Jacobus Clark eligo Tobiam  
 Conyers Eboracensem in Artibus Bac-  
 calaureum, in locum supradictum; idq;  
 in annum probationis tantum.

Ego Franciscus Broek eligo Tobiam  
 Conyers Eboracensem in Artibus Bac-  
 calaureum, in locum supradictum; idq;  
 in annum probationis tantum.

Ego Edwardus Sam's eligo Tobiam  
 Conyers Eboracensem in Artibus Baccalaureum, in locum supradictum; idq;  
 in annum probationis tantum.

Ego

Ego Carolus Mildmay eligo Tobiam Conyers Eboracensem in Artibus Baccalaureum, in locum supradictum; idq; in annum probationis tantum.

Ego Jacobus Goodale eligo Johannem Quarles Norfo'ciensem in Artibus Baccalaureum, in locum supradictum; idq; in annum probationis tantum.

Ego Thomas Church eligo Gulielmum Stavely Leicestriensem in Artibus Baccalaureum, in locum supradictum; idq; in annum probationis tantum.

Ego Radulphus Heywood eligo Gulielmum Stavely Leicestriensem in Artibus Baccalaureum, in locum supradictum; idq; in annum probationis tantum.

Ego Gulielmus Sam's eligo Tobiam Conyers Eboracensem in Artibus Baccalaureum in locum supradictum; idq; in annum probationis tantum.

Ego Robertus Quarles Praeses hujus Collegii, eligo, & electum à majori parte Sociorum pronuncio Tobiam Conyers Eboracensem in Artibus Baccalaureum, in locum Matthæi Hanscomb supradictum; in annum probationis tantum.

**Formula admissionis eodem die  
post lectionem statutorum & ju-  
ramenti præstationem.**

*Auctoritate mihi commissa, Ego Ro-  
bertus Quarles Præses hujus Collegii,  
Admitto te Tobiam Conyers in Socium  
hujus Collegii, ex antiqua fundatione, ad  
annum probationis & convicium.*

*Robert Quarles Præses Collegii*

*Vera Copia, & concordat cum  
Originali.*

*Ita te-  
stamur.* { *Robertus Quarles Præses.  
Ja. Clark sen. Dec.  
Cha. Mildmay Dec. jun.*

But the Master, who would neither according to his duty come down to be present at the Election, nor so far own the Colledge, whose Rights he is by the fundamental Statute to be a Patron of, as to acquaint us with any exceptions he had against the person in view: (onely as we hear, he sent some private Letters to the President, without any communication to the Society, that Sir Conyers might not be Elected; together with some other private instructions to a creature or two of his own,) like an Enemy,

Enemy; rather than Master of the Colledge, comes to the Committee to accuse the person elected, bringing with him one of his own creatures, who being present at the Election, would not before the Society produce any exception against *Sir Conyers*, but it seems, according to the Masters instructions, reserved them to be produc'd as a scandal to the Colledge (who were the Electors) before the Committee.

The Masters exceptions were much to the same effect with those before mentioned.

First, that he had been a malignant, and had drunk the Kings health upon his knees, and for these misdemeanors had been publicly corrected, and was sent away into the Country by his Tutor as incorrigible.

2. That he had been guilty of Heresie and blasphemy, and upon that account was refused at *St. Johns* Colledge, where he once stood for a Fellowship.

In answer to which, I being his Tutor, made before the Committee this summary relation of his life.

That he being recommended to me

by his Father, a godly-Minister in *York-shire*, and one who had suffered much for the Parliament; I took him at his first admission into the Colledge about the age of sixteen years to be my poor Scholar, in which service he demeaning himself with all faithfulness and diligence, and shewing himself in the quick apprehension of what ever was laid before him, one of extraordinary parts and industry; that his further proficiency might not be hindred by those necessary diversions of service, I desired to promote him to the degree of a Pensioner; in which way he being not able to maintain himself without some concurrent helps, I was a suiter to the Master to confer upon him the Chappel Clerks place then vacant. The Master, as I was told by a third person, who made the motion to him, was willing to it, if I would have truck'd with him; i.e. if I would have received one of his recommendation to be my poor Schoolar in his place; but I being otherwise engaged, could not do it, and so could not obtain the Masters consent; yet was dismiss'd with this intimation of hopes, That there would be ere long more

vacancies of these places, which fell out accordingly ; but he whom I had spoke for was never the nearer ; for still one or other was promoted before him. Which observing, I took my opportunity, upon a vacancy that happened, to represent the case to the President and Deans, who convinc'd of the poor Lads deservings, elected him without the Masters concurrence. This the Master resented so deeply, as at his return he did (as I have been certainly enformed) call the President (a man of more standing and worth then himself) by such a foul name, as I am ashamed to mention. And in passion would, had not I withstood him, under pretence of translation, have thrust this poor youth out of his place of eight or nine pounds a year, into poor a place of three or four pounds a year ; and has ever since that time born him an implacable malice.

The poor youth being something elated with this sudden promotion, began a little to lay himself open to temptation, and as was before related, through the seducement of a malignant, whom he fell acquainted with, was something infected, and by chance

a Raker of Pembroke-Hall coming in to our Butteries, and beginning the Kings health, 'twas his unhappinefs (as of some other fimple Lads there prefent, who were no malignants) to pledge it, yet not upon his knees, as was alledged: hearing of this, I fent for him, and finding the original of this diftemper to proceed from a Chamber-fellow with whom without my privy he had affociated himfelf, I commanded him back to his former Chamber, but he refufing, that the example of his mifdemeanor and difobedience might not further infect the Colledge by his impunity; I corrected him publicly before two or three of the Scholars in my Chamber; and becaufe I conceived a Fathers admonitions might be moft powerful with him, I fent him down to the Countrey with Letters to his Father, informing him how the cafe flood, that if a real reformation fhould appear in him, he fhould be welcom to me again; if not, that he muft difpofe of him fome other where, for I would own none fuch as he was in that prefent condition: fo after fome reasonable ftay in the Countrey, his Father returned him up to me again, as a reformed



reformed man, of which he gave good evidence by a whole years pious and religious conversation. And besides, better to satisfy my self, I enquired concerning him of some honest and religious lads whom I durst trust, who professed to me, that he had divers times in their hearing testified his great sorrow for his former miscarriages; and that to them he then appeared, as much as could be, of a truly pious disposition. Hereupon the youth having taken his degree of Bachelor of Arts, I began to look out for some preferment for him, and knowing the Masters malice to him was such as 'twas impossible without higher contests then I was willing to engage in, to prefer him in our own Colledge, and hearing of a way open in *St. Johns* Colledge, I made a suit to some of that Colledge in his behalf, acquainting them fully with the worst of this which the Master now objects, and received from them good encouragement.

But the day before their sitting, I received a note from one of the Fellows there, of a report they had heard of some Arminian tenent which he had maintained in the Schools, where-  
upon

upon I sent for Sir *Conyers*, and charg'd him with it; chid him for that he had, contrary to my counsels, troubled his head in his unriper years with the study of the contentious part of Divinity; yet withall charg'd him with all severity, that whatsoever opinion, though never so heterodox, he was possessed of in his judgement, he should not deny it for any worldly preferment; but if those things which he was said to have disputed for in the Schools were not his judgement, he should then expose himself to examination to clear himself of those aspersions: his answer to me was, that he had not maintain'd any thing that way as his judgement, and that he doubted not of giving satisfaction in any reasonable way that could be expected: Whereupon I writ to *St. Johns Colledge*, that I wondred any thing uttered by way of dispute in those tumultuary velitations, should be esteemed an argument of a mans judgement, and that Sir *Conyers* was ready to give satisfaction to ought could be alledged against him: But I was answered, that the time of election being now come, the suspicion that was conceived of him could not be removed in.

In such an instant, and that therefore it was better to forbear sitting; which counsel of his was accordingly followed.

So the poor young man destitute of maintenance, was not able to continue longer in the Colledge, but retired to a poor employment into *Norfolk*, where he hath liv'd neer the space of a whole year; during which time, what his behaviour hath been, and what opinion the religious, and well-affected of that place have of him, this testimony of men well known to some members of this Committee, which I desire may be rehearsed before you, will make it appear.

*Norff.*

These are to certifie all whom it may concern, that *Mr. Tobias Conyers*, now resident in *Hapton*, hath, during his abode here, been blameless in his life and conversation, useful in teaching of children, and painful and industrious in his calling and studies: And that from time to time he hath shewed good affection to the present Government, and settlement of the Commonwealth; and hath been desirous after the best things, and expressed much longing.

ing after communion with God in holy duties, and Ordinances; and hath laboured to promote the cause of God to the utmost of his power, as he hath had opportunity; declaring much love to the Truth, preferring the society of the godly, and turning from such as are otherwise minded: All which things, we whose names are underwritten do very freely and heartily testify, this 11<sup>th</sup> of February. 1650.

*John Reymes.*

*Edward Waile, Pastor of the Church at Hapton.*

*Nathaniel Brewster, Minister of Neatshead.*

*Michael Whitefoot.*

So you see the man was no original malignant, nor was he ever any drunkard, or otherwise scandalous person, but onely for a short time seduced, and quickly cured of his distemper: as for a scandal which 'twas his unhappiness to fall into, he received then condign punishment, and therefore ought not to be punished again for the same, especially his life both before and after being

being exemplarily vertuous ; and besides, having voluntarily upon the first coming out of the A<sup>&</sup> of Parliament for that purpose, subscribed the engagement, which in other cases hath been adjudged alone sufficient to qualify a man for keeping his old, or acquiring new preferment.

As for Blasphemy, 'tis by the Master only alledged, not proved ; nor do I believe he was ever guilty of it in the least. But with Episcopal spirits every petty difference in opinion is a capital crime : and not to say Amen (though without understanding) to each article of their voluminous Creed, is blasphemy against the Holy Ghost. They not considering, that the passage of religious spirits is, as through many tribulations into the Kingdom of God, so through many errors into the true knowledge of God.

Besides, it might have been considered, that his election was onely as Probationer, during which time, being a whole year, he was to stand upon his good behaviour, and if in all that time he gave just cause of offence, was by our Statute to be denied admittance into perpetuity of his possession. And therefore

therefore the danger of him, if there were any, was not considerable. But that we have one in our Colledge put in by this Committee, who since the date of this misdemeanor, was so malignant, as publikely, in the face of all the Colledge assembled together, to parallel the Parliament for their proceedings with the King, &c. with the Powder treason of the Jesuits and Papists, contrived and carried on under pretence of Religion. Now this man being made Fellow by this Committee, we did not, in regard he was otherwise a man of good desert, oppose our selves against his admittance, only in regard of his late disaffection, petitioned this Committee, that he might according to our Statute stand upon his good behaviour for one year, before a final settlement in his place : But in this case, the Master neither regarding the obligation upon him by our Statute, nor by his engagement to be true and faithful to the Commonwealth of *England*, would neither petition himself, nor joyn with us in that petition : whence 'tis apparent, that the great object of his distaste here was not the malignancy, but only the person, now clear  
enough.

enough from that disease.

Lastly, though I will not take upon me to enquire into the hidden mysteries of a Superior Power; yet this I shall say, that that power which can eject a man out of his legal possession for a misdemeanor of a date of neer two years old, committed and punished in the days of his minority, long before his entrance into that possession, must sure be very transcendent, and above that of any, either common Law or Chancery, that I have heard of.

The Committee having heard what they thought fit on both sides, we were commanded according to custome, to withdraw, and the doors to be shut.

What was said *pro*, or *con* at the private debate, the man with the great Beard onely knows. But the result was as followeth.

April. 10. 1651.

*At the Committee for Reformation  
of the Universities.*

FOR as much as it appears to this Committee, that Tobias Conyers, elected by the Fellows of Peter-House, into the Fellowship of Mr. Hanscomb, hath

hath been guilty of scandal, and malignancy, therefore this Committee adjudge him unfit for this Fellowship.

Resolved,

*That this Committee will chuse a Fellow into the place of Mr. Conyers this day fortnight.*

One who was the Masters Sizar, and who, for ought that yet appears, never subscribed the Engagement, is now put into this Fellowship.

These things I have been inforc'd to publish for vindication of the Colledges repute from those scandals endeavor'd to be thrown upon it by our unworthy Master ; in which (being little more then a bare historical narrative of the proceedings) I do not in the least take upon me to judge of the Honorable Committees severity in this their censure upon Sir Conyers, only to make it appear, that the President and Fellows in their choice of him did nothing but what ws agreeable to their trust, both as members of the Colledge and Commonwealth.



*A Letter from our President  
to one of the Society in  
London, upon occasion of  
the Masters man being  
made Fellow of our Col-  
ledge.*

*Sir,*

**I** Marvel Master *Becher* neglected his place in this fashion he did. For my part, I desire him much to the contrary. *Sir Church* is admitted into it; after seven dayes (prefixed by the Fellows) were expired. *Sir Heywood* the under Butler did bring yesterday morning another Order for *Mr. Majors* place; which we do much wonder at, seeing *Dr. Seaman* at his last being at *Chambridge*, did both give several Statutable reasons; why this place ought to be kept void: as also did promise, to do his best indeavors that it might be also. Being then, that *Dr. Seaman*, and the majorpart of our Society, are now at *London*, I thought good to make a stop of *Sir Heywoods* admission for seven dayes,

dayes, till we hear what your mind is: I do not know where Mr. *Hotham*, Mr. *Clark*, and Mr. *Brock* have their lodgings at *London*: otherwise I had written to them also. I have acquainted Dr. *Seaman* to the self-same purpose yesterday being Tuesday, and the 24 of *December*, at the receipt of that Order. I sent my Letter unto him with one *Green* a *Cambridge* Letter Carrier, and delivered the Letter my self unto him, upon Tuesday last before he went. I pray present my best respects to your brother Doctor, and our Society now at *London*. With the wishes of a happy new year, I rest; desiring to hear of you this week.

Sir, I am yours, &c. I. F.

*Cambridge* in  
haste. *January*  
25. 1650.

A

*A Letter from one of our Society upon the same occasion, to another of our Fellows then in London.*

Sir, Since your departure, there is another *Mandamus* come to supply Mr. *Majors* Fellowship, Sir *Heywood* hath got it, and expects his admission daily; but Dr. *Francius* hath sent to the Master to know his resolution, as also the minds of the Fellows which are in *London*, determining to defer his admission till he hath received your answers, or be ascertain'd whether you will vindicate the Colledge from such a manifest violation, and intrusion, or not. Sir, there are a considerable part of our Society now in *London*, it much concerns you to act your utmost, to deliver your self and the Colledge from so great a detriment: You may press the Master with those protestations which he made the last time he was with us, whether they are not incompatible with Sir *Heywoods* *Mandate*,

date, or whether his vow which openly he exprest, to keep void that Fellowship, be consonant with the obtaining an instrument to put in his own man. Sir, you know the manner of his proceedings better then I can inform you, only I thought it necessary to give you notice of it, lest the seven dayes should be expired before you were acquainted with it. I have nothing else but my Service to present unto your self, Mr. *Hotham*, and all the Society with you, and to subscribe my self,

Yours, &c. C. M.

Decemb. 21. — 50.

**FINIS.**

